

"When they bid for the job, they told the port they were doing hazardous-waste cleanup, and they applied to the city of Seattle for tax breaks on the basis that they were doing hazardous-waste cleanup," Hall said.

Ron Slater, a foreman fired after he and his workers brought what they considered dangerous conditions to the state's attention, is seeking reinstatement and three years' back pay. The state found he was improperly dismissed for reporting suspected violations of the law.

Slater's case may be complicated by the fact that Washington Group International filed for bankruptcy after Slater was fired, said Carrie Hoon, an assistant attorney general. The firm emerged from bankruptcy in January.

Slater said he believes Jaffe's decision will be overturned by the three-person Board of Industrial Insurance Appeals.

"The citations reflect not only Morrison Knudsen's attitude toward the men, but also their attitude toward the environment," Slater said. "I have never seen such arrogance and disdain for the proper protection of all of us."

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**Workers get win in hazardous site case
Company knew of risk on Harbor Island, judges rule**

By **ROBERT McCLURE**
SEATTLE POST-INTELLIGENCER REPORTER

Whistle-blowers, who reported unsafe work practices on a Harbor Island construction job, including exposure to hazardous wastes, have won a second round in court.

Morrison Knudsen Corp. knew that the work it took on at Harbor Island involved a Superfund site that needed special handling, the state Court of Appeals ruled.

The company, now a subsidiary of the mammoth Washington Group International, has steadfastly maintained that it was merely doing construction on a site that already had been cleaned up by the Port of Seattle.

Not so, the court decided.

"There is no evidence in the record to support a conclusion that Harbor Island does not continue to be a specific threat to the health and safety of individuals or the environment," the three-judge panel said in its unanimous decision Tuesday. "In fact, admissions by Morrison Knudsen belie its argument that this was not a hazardous waste operation."

The chief whistle-blower, former Morrison Knudsen construction foreman Ron Slater, said he feels vindicated.

"I was not wrong when I went to the authorities," Slater said. "I also was not wrong (to report) we were exposing -- digging -- lethal, nasty dirt, and there were orders to bury it to expedite the project."

The state Department of Labor and Industries cited the company. Among the charges were that Morrison Knudsen workers in late 1999 and early 2000 were ordered to move "leaky drums of unknown materials," that a worker was splashed with the chemicals and that no decontamination showers were provided.

The court ruling upholds the findings a year ago of King County Superior Court Judge John Erlick, who agreed that the state's charges had been properly filed. His decision reversed the findings of the Board of Industrial Insurance Appeals, which found that the operation was not governed under work rules covering hazardous wastes.

Morrison Knudsen was revitalizing an old industrial area so it could be used by a Port tenant, Stevedoring Services of America. The facilities were intended to allow shipping containers to be quickly moved off ships for rail transportation.

Calls to Morrison Knudsen's attorney, Aaron Owada, were not returned Tuesday. Nor was a call Tuesday evening to Washington Group's Idaho headquarters.

Owada has said previously that Morrison Knudsen was told by the Port that all known hazardous waste had been removed before the construction began.

Morrison Knudsen was instructed to be on the lookout for more contaminated dirt, Owada has said, and it did that. The state did not take samples of dirt or water, he has said, so state officials can't say how contaminated the property was before Morrison Knudsen laid asphalt over it, as laid out in the cleanup plan.

Slater, the whistle-blower, described the waste uncovered by his crews as "sticky and gooey" dirt with rainbow and copper hues.

"It was rancid," Slater said. "It had a machine chemical smell. ... That was all reburied, every bit of it. It's on the bottom and it's coming to the (Puget) Sound."

Workers also reported to the U.S. Environmental Protection Agency that they were ordered to dump thousands of gallons of contaminated water into Elliott Bay. EPA criminal investigators could not verify that allegation. Morrison Knudsen denies it.

Slater, 62, was unable to get another job as a construction supervisor after the state brought the charges against Morrison Knudsen. He eventually landed a spot as a heavy-equipment operator, he said, but was later hurt in a work-related accident that ended his career early.

Slater on Tuesday was doing work on property near Ellensburg that he said he is being forced to sell to keep himself financially solvent.

"That's the price you pay when you go against the grain," he said.

The key issue in the case before the appeals court was whether Morrison Knudsen's construction force was governed under state workplace rules governing an "uncontrolled hazardous-waste site."

Since the main cleanup already was done, the site was controlled, the company has argued.

No so, the court ruled.

"While the contract ... did not specifically require Morrison Knudsen to engage in a full-blown hazardous waste cleanup operation, the contract contemplated that hazardous waste would be handled," the court said.

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**Judge backs Harbor Island fine
He reverses Superfund site ruling in case involving worker safety**

By **ROBERT McCLURE**
SEATTLE POST-INTELLIGENCER REPORTER

A new court ruling backs a \$48,500 fine that state inspectors levied against a major construction firm for dozens of worker-safety violations at the Port of Seattle's Harbor Island Superfund site.