STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action At:	)	
LANDSBURG MINE Sections 24 and 25, T22N, R6E	)	SECOND AMENDMENT OF AGREED ORDER
Ravensdale, Washington	)	No. DE 983TC-N273

The parties hereby agree to modify Agreed Order No. DE 983TC-N273 as follows:

A. Section IV (Work to be Performed) is modified to require the PLPs to perform the work described in the proposal from Golder Associates dated June 24, 2005. Ecology hereby finds that the work described in the Golder Associates proposal is necessary for public health and safety. The Golder Associates proposal is Attachment 1 to this Second Amendment, and by this reference is incorporated into the Agreed Order as an integral and enforceable part thereof.

B. Section V.2 (Terms and Conditions of Order) is modified so that the first sentence reads as follows: "WAC 173-340-600(11)(c) requires a 30-day public comment period for agreed orders, or amendments thereto."

C. Section V.11 (Terms and Conditions of Order) is modified by deleting the existing text and replacing it with the following:

1. All actions carried out by the PLPs pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090.

2. Pursuant to RCW 70.105D.090(1), the substantive requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals for the remedial action under this Order and that are known to be applicable at the time this Order becomes effective, have

been included in Attachment 1, and are binding and enforceable requirements of this Order.

PLPs have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determine that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, the other party or parties shall promptly be notified of this determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

3. Pursuant to RCW 70.105D.090(2) in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency which is necessary for the state to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive

requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

D. Except as provided in this Second Amendment, all provisions of Order No. DE 983TC-N273 remain unmodified and in effect.

E. This Second Amendment shall be effective on the date it is signed by the authorized representative of the Department of Ecology.

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

By _____

Its Regional Section Manager

Date 10.14.05

TIME OIL COMPANY

By _____

Its General Counsel + Asst Secty

Date 9/12/05

BROWNING-FERRIS INDUSTRIES OF ILLINOIS, INC.

By _____

Its _____

Date _____

requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

D. Except as provided in this Second Amendment, all provisions of Order No. DE 983TC-N273 remain unmodified and in effect.

E. This Second Amendment shall be effective on the date it is signed by the authorized representative of the Department of Ecology.

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

By _____

Its _____

Date _____

TIME OIL COMPANY

By _____

Its _____

Date _____

BROWNING-FERRIS INDUSTRIES OF ILLINOIS, INC.

By J. H. White

Its Corporate Secretary

Date 8-30-05

PALMER COKING COAL COMPANY

By _____

Its Manager

Date August 19, 2005

BNSF RAILWAY COMPANY

By _____

Its _____

Date _____

PACCAR INC.

By _____

Its _____

Date _____

PLUM CREEK TIMBERLANDS, L.P.
By Plum Creek Timber I L.L.C., General Partner

By _____

Its _____

Date _____

PALMER COKING COAL COMPANY

By _____

Its _____

Date _____

BNSF RAILWAY COMPANY

By Bruce A. Sheppard

Its B A Sheppard

Date August 1, 2005

PACCAR INC.

By _____

Its _____

Date _____

PLUM CREEK TIMBERLANDS, L.P.
By Plum Creek Timber I L.L.C., General Partner

By _____

Its _____

Date _____

PALMER COKING COAL COMPANY

By _____

Its _____

Date _____

BNSF RAILWAY COMPANY

By _____

Its _____

Date _____

PACCAR INC.

By _____
R.E. Bangert II
Its Vice President

Date 7-18-05

PLUM CREEK TIMBERLANDS, L.P.
By Plum Creek Timber I L.L.C., General Partner

By _____

Its _____

Date _____

PALMER COKING COAL COMPANY

By _____

Its _____

Date _____

BNSF RAILWAY COMPANY

By _____

Its _____

Date _____

PACCAR INC.

By _____

Its _____

Date _____

PLUM CREEK TIMBERLANDS, L.P.
By Plum Creek Timber I L.L.C., General Partner

By _____

Its Senior Vice President, General Counsel & Secretary

Date July 25, 2005