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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE**

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

CITY OF TACOMA; and FOSS  
WATERWAY DEVELOPMENT  
AUTHORITY

Defendants.

NO. 94-2-10917-6

TENTH AMENDMENT TO CONSENT  
DECREE TO INCLUDE THE SITE-  
SPECIFIC CLEANUP ACTION PLAN  
FOR THE DOCK STREET NORTH  
SITE

1. Pursuant to Sections 7 and 17 of the Consent Decree - First Comprehensive Amendment, in this case, the undersigned hereby agree to entry by the Court of this Amendment to the Decree. This amendment is for the purpose of including as part of the Consent Decree a Site-specific Cleanup Action Plan (SCAP) for the Dock Street North site, which is attached as Appendix A to this Amendment.

2. This SCAP has been the subject of public notice and comment under RCW 70.105D.040(4)(a). As a result of this process, Ecology has found that the SCAP will lead to a more expeditious cleanup of hazardous substances at the site.

3. In accordance with Section 8 of the Consent Decree, the City shall record a Restrictive Covenant, and provide Ecology and the Attorney General's Office with written confirmation of such recording, for the portion of the Site that it owns, which is attached as

1 Appendix B, within 90 days of entry of this Amendment. Section 29 of the Decree - the  
2 covenant not to sue - shall not apply to this Site until the Restrictive Covenant is recorded.

3 Being fully advised of the reasons for entry of this Amendment to the Consent Decree  
4 and good cause having been shown,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Consent Decree is  
6 hereby amended in accordance with the above terms and conditions.

7 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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10 JUDGE/COMMISSIONER  
11 Pierce County Superior Court  
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1 IT IS SO AGREED BY THE UNDERSIGNED:

2 **DEPARTMENT OF ECOLOGY**

**ATTORNEY GENERAL  
OF WASHINGTON**

3  
4  
5 By: \_\_\_\_\_  
6 JAMES PENDOWSKI  
Program Manager  
Toxics Cleanup Program

By: \_\_\_\_\_  
(Name)  
Assistant Attorney General  
WSBA # \_\_\_\_\_

7 Date: \_\_\_\_\_

Date: \_\_\_\_\_

8  
9 **CITY OF TACOMA**

**OFFICE OF THE CITY ATTORNEY**

10  
11 By: \_\_\_\_\_  
12 ERIC ANDERSON  
City Manager

By: \_\_\_\_\_  
DOUGLAS F. MOSICH  
Assistant City Attorney  
WSBA #18341

13 Date: \_\_\_\_\_

Date: \_\_\_\_\_

14  
15 **FOSS WATERWAY DEVELOPMENT AUTHORITY**

16  
17 By: \_\_\_\_\_  
18 DON MEYER  
Executive Director

19 Date: \_\_\_\_\_

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**APPENDIX A**  
**(Dock Street North SCAP attached here)**

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**APPENDIX B**  
**(Dock Street North RC attached here)**