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7 **STATE OF WASHINGTON**
8 **PIERCE COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,
10 DEPARTMENT OF ECOLOGY,

11 Plaintiff,

12 v.

13 SSA TACOMA, INC.,

14 Defendant.

NO. 08-2-15781-0

THIRD AMENDMENT TO CONSENT
DECREE

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16 **I. INTRODUCTION**

17 The Consent Decree, No. 08-2-15781-0, dated December 30, 2008 (Consent Decree), is
18 hereby amended as set forth below in the Third Amendment to the Consent Decree. This Third
19 Amendment is made by the State of Washington, Department of Ecology (Ecology), and SSA
20 Tacoma (SSA) pursuant to Section XV of the Consent Decree.

21 On September 22, 2015, the Consent Decree was amended (First Amendment) to
22 require SSA to perform additional investigation at the Site regarding new contaminants of
23 concern that were previously unknown. On April 28, 2016, the Consent Decree was amended
24 (Superseding Second Amendment) to require SSA to perform additional remedial activities at
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1 the Site to address contaminants of concern that were the subject of the investigation required
2 by the First Amendment. The Second Amendment superseded the First Amendment.

3 This Third Amendment is proposed to add DCT Blair Logistics Center LLC (DCT) as a
4 party to the Consent Decree. DCT purchased the Site from SSA in 2017, and is currently
5 redeveloping the Site for industrial use. DCT is also the current holder of the Class 1 Permit
6 for the Site. DCT has committed to using the Site in a manner consistent with the Cleanup
7 Action Plan previously adopted for the Site, and to cooperating with SSA and Ecology to
8 ensure performance of the remaining requirements of the Cleanup Action Plan.
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10 All provisions of the Consent Decree remain in full force and effect, except as
11 specifically amended by this Third Amendment to the Consent Decree.
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13 II. AMENDMENT

14 Certain Sections of the Consent Decree are amended as follows:

- 15 1. Section I.A. (Introduction). Section I.A. is amended to replace lines 2 through 7
16 on page 3 of the Consent Decree with the following: "The mutual objective of
17 the State of Washington, Department of Ecology (Ecology), SSA Tacoma, Inc.
18 (SSA), and DCT Blair Logistics LLC (DCT) under this Decree is to provide for
19 remedial action at a facility where there has been a release or threatened release
20 of hazardous substances. This Decree requires SSA and DCT to undertake the
21 remedial action identified in Section VI (Work To Be Performed) of this Decree
22 and specified in the Cleanup Action Plan attached as Exhibit A to this Decree,
23 and any amendments to the Cleanup Action Plan."
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- 1 2. Section II.D (Jurisdiction) is amended to now read as follows: "Ecology has
2 given notice to SSA and to DCT of Ecology's determination that both SSA and
3 DCT are PLPs for the Site, as required by RCW 70.105D.020(21) and WAC
4 173-340-500.
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6 3. Section IV.B (Definitions) is amended to now read as follows: "Parties: Refers
7 to the State of Washington, Department of Ecology, SSA, and DCT."
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9 4. Section IV (Definitions) is amended to add the following language: "H. DCT:
10 Refers to DCT Blair Logistics, LLC."
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12 5. Section IV (Definitions) is amended to add the following language: "I.
13 Implementing Parties: Refers to DCT and SSA."
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15 6. Section V. (Findings Of Fact) is amended to insert the following:
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17 R. DCT purchased the Site on or about November 2016, and is
18 actively redeveloping the Site for industrial use. DCT is now the current
19 holder of the Class 1 Permit for the Site. DCT has committed to using
20 the Site in a manner consistent with the Cleanup Action Plan previously
21 adopted for the Site as well as any addendums or amendments to the
22 Cleanup Action Plan, and to cooperating with SSA and Ecology to
23 ensure performance of the remaining requirements of the Cleanup
24 Action Plan.
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26 7. Sections VI(D), VII, VIII, IX, and X through XXX are amended to substitute
 the term "the Implementing Parties" for "SSA" in all instances in these sections.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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Date: _____

SSA TACOMA, INC.

DCT BLAIR LOGISTICS LLC

MARK KNUDSEN
President
(206) 623-0304

JOHN G. SPIEGLEMAN
Executive V.P. and General Counsel
(303) 597-2400

Date: _____

Date: _____

ENTERED this _____ day of _____, 2018.

JUDGE
Pierce County Superior Court