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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SPOKANE COUNTY

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

SPOKANE COUNTY,

Defendant.

No. 88-2-0005-5

STIPULATED FIRST AMENDMENT  
OF CONSENT DECREE

Pursuant to Section XIV.A. of the Consent Decree entered in this action on March 15, 1988, the State of Washington, Department of Ecology and the County of Spokane hereby stipulate to the amendment of the Decree as follows:

A new subsection shall be added to Section III to read as follows:

"G. Interim Actions. Either party may propose that interim action as authorized by WAC 173-340-430 be taken at the Site. The party proposing the interim action shall do so by submitting to the other party a written document describing the action. The other party shall have fifteen (15) days in which to review the proposal, and to approve or disapprove it.

STIPULATED FIRST AMENDMENT  
OF CONSENT DECREE-1

ATTORNEY GENERAL OF WASHINGTON  
Ecology Division  
4407 Woodview Drive S.E.  
QA-44  
Olympia, WA 98504-4677

1 If the proposal is approved, then Spokane County shall  
2 prepare and submit to Ecology within fifteen (15) days a  
3 report meeting the requirements of WAC 173-340-430(6).  
4 Ecology shall have thirty (30) days in which to review the  
5 report, and either approve or disapprove it.

6 Within fifteen (15) days of its receipt of notification  
7 that Ecology disapproves or recommends modification of the  
8 report, Spokane County shall submit to Ecology a revised  
9 report. This process may be repeated as many times as is  
10 mutually agreeable. Either party may petition the Court for  
11 relief if it determines that further repeating the process  
12 would not be productive.

13 If the initial proposal is disapproved, then the party  
14 proposing the interim action may invoke the Resolution of  
15 Disputes process under section XI of this Decree."

16 Section X, subsection A shall be amended to read as  
17 follows:

18 "A. Spokane County agrees to reimburse the State Toxics  
19 Control Account for reasonable and appropriate costs  
20 associated with Ecology activities at the Site conducted  
21 during the implementation of this Decree. Within ninety (90)  
22 days of the end of each fiscal quarter, Ecology will submit to  
23 Spokane County an itemized statement of Ecology's expenses for  
24 the previous quarter. Following receipt of the itemized  
25

26 STIPULATED FIRST AMENDMENT  
OF CONSENT DECREE-2

1 statement, Spokane County shall pay, within ninety (90) days,  
2 in the State Toxics Control Account, the required sum. The  
3 required sum which shall not exceed a total of 12 percent of  
4 Spokane County's contractual costs required by this Decree."

5 All other provisions of the Consent Decree shall remain  
6 the same.

7 By their signatures hereon, the undersigned represent  
8 that they have authority to bind the parties they represent.

9 COUNTY OF SPOKANE

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

10 By \_\_\_\_\_  
11 County Commissioner  
12 Date \_\_\_\_\_

By Carol L. Flakes  
Program Manager  
Toxics Cleanup Program  
Date April 16, 1991

13 By \_\_\_\_\_  
14 County Commissioner  
15 Date \_\_\_\_\_

ATTORNEY GENERAL OF  
WASHINGTON

By Tanya Barnett  
Assistant Attorney General  
Date April 17, 1991

16 By \_\_\_\_\_  
17 County Commissioner  
18 Date \_\_\_\_\_

19 DATED AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_,

20 1991.

21  
22 \_\_\_\_\_  
23 JUDGE

24 901/addimica.ple

25  
26 STIPULATED FIRST AMENDMENT  
OF CONSENT DECREE-3

ATTORNEY GENERAL OF WASHINGTON  
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