



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 22, 2012

Nancy A. Flint, Property Manager
Bellingham Towers/Hollander Investments
119 N. Commercial Street, Ste. 165
Bellingham, WA 98225

RE: Tacoma Redevelopment Property Site 4, FSID 1263

Dear Nancy:

Please find the enclosed Twelfth Amendment to Consent Decree No. 94-2 10917-6, signed by all parties. You can have your counsel enter this with the Superior Court according to the processes with which he is familiar. Once filed with the court, please send a copy of the amendment signed by the court and the motion to me and I will distribute.

Thank you for working with Ecology to get this done; welcome to the Foss. Let me know if you have any questions.

Sincerely,

Marv Coleman, Site Manager/Inspector
Southwest Regional Office

Toxics Cleanup Program
360.407.6259

MC/ksc:Twelfth Amendment cover letter

Enclosure: Twelfth Amendment to Consent Decree

By certified mail: (7010 0780 0002 3400 8969)

cc: Michael Bergman, Ecology COEES
James DeMay, Ecology



RECEIVED

AUG 27 2012
WA State Department
of Ecology (SWRO)

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SUPERIOR COURT OF WASHINGTON IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

CITY OF TACOMA and FOSS
WATERWAY DEVELOPMENT
AUTHORITY,

Defendants.

No. 94-2-10917-6

TWELFTH AMENDMENT TO
CONSENT DECREE TO ADD
PARTY DEFENDANT

(SUCCESSOR OWNER OR
OPERATOR AGREEMENT)

This Amendment is to add Tacoma Waterway, L.L.C. as a party Defendant to the Consent Decree in this case, pursuant to Section 17 of the Decree. Tacoma Waterway, L.L.C. has acquired an ownership interest in property covered under the Decree. The property is known as Development Site 4, which is within the geographic boundary described in Amended Exhibit A to the Decree. A legal description of the property is provided in Appendix A to this Amendment.

Tacoma Waterway, L.L.C. agrees to be bound by all provisions of the Consent Decree previously entered in this case as they apply to the particular parcel in which it has acquired an ownership interest. This Amendment is not intended to make Tacoma Waterway, L.L.C. jointly and severally liable for properties covered by the Decree for which it is not a Successor Owner or Operator.

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Tacoma Waterway, L.L.C. agrees to be bound by all provisions of the Consent Decree previously entered in this case as they apply to the particular parcel in which it has acquired an ownership interest. This Amendment is not intended to make Tacoma Waterway, L.L.C. jointly and severally liable for properties covered by the Decree for which it is not a Successor Owner or Operator.

1 The undersigned parties agree to amend the Consent Decree to add Tacoma Waterway,
2 L.L.C. as a party Defendant.

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

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Tacoma Waterway,
6 L.L.C. is added as a party Defendant to the Consent Decree and is bound by it.

7 DATED THIS ____ day of _____, 2012.

8
9
10 _____
11 JUDGE/COMMISSIONER
12 Pierce County Superior Court

13 IT IS SO AGREED TO BY THE UNDERSIGNED

14 TACOMA WATERWAY, L.L.C.

15
16 By: 

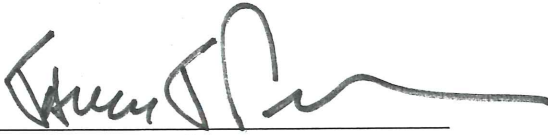
17 Printed Name: Marlo Glen Hollander

18 Title: Manager

19
20 Date: August 17, 2012

1 DEPARTMENT OF ECOLOGY

ROBERT M. McKENNA
Attorney General

2
3 

4
5 James Pendowski
Program Manager
Toxics Cleanup Program

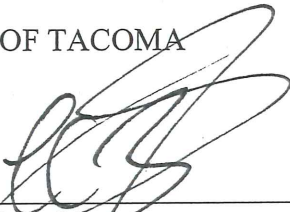
6 Date: 9/18/12



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8 John Level, WSBA #20439
Assistant Attorney General
Attorneys for Plaintiff

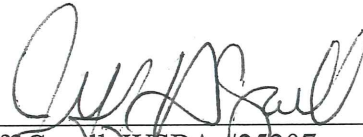
9 Department of Ecology
Date: Sept. 5, 2012

10 CITY OF TACOMA

11 

12 T. C. Broadnax
City Manager

13 Date: 8/22/2012



14 Jeff Capell, WSBA #25207
Deputy City Attorney
City of Tacoma

15 Date: Aug. 22, 2012

16 FOSS WATERWAY DEVELOPMENT
17 AUTHORITY

18 

19 Su Dowie
Interim Executive Director

20 Date: Aug. 21, 2012

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Appendix A

Legal Description

Pierce County

Section 04 Township 20 Range 03 Quarter 31 TACOMA TIDELANDS PARCEL "C" OF DBLA 2005-06-29-5008 A CORRECTION OF DBLA 2005-01-07-5002 DESC AS FOLL S 20 FT OF L 8, L 9 THRU 13 & N 5 FT OF L 14 OF B 59 EXC E 120 FT MEAS PAR/W E LI OF SD PLAT TOG/W EASE OF REC OUT OF 189-1 SEG 2005-1243 2/3/05JK DC03/10/06LW

