6.4 Environmental Covenant



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Snohomish County

The property that is the subject of this Restrictive Covenant has been the subject of remedial action under Chapter 70,105D RCW. The work done to clean up the property (hereafter the "Cleanup Action") is described in the Consent Decree entered in State of Washington Department of Ecology v. Weyerhaeuser Company, Snohomish County Superior Court No. 98-2-08718-6 and in attachments to the Decree and in documents referenced in the Decree. This Restrictive Covenant is required by Ecology under Ecology's rule WAC 173-340-440 (1991 ed.) because the Cleanup Action on the Site resulted in residual soil concentrations of TPH above Ecology's Method A cleanup level, PCP, and CPAH which exceed Ecology's Method B cleanup levels for soils. The restrictive covenant is also required because the arsenic groundwater and soil contamination is addressed in the remedial action only within the containment area on Site.

RESTRICTIVE COVENANI

The undersigned, Weyerhaeuser Company, is the fee owner of real property in the County of Snohomish, State of Washington (legal description attached), hereafter referred to as the "Mill E/Koppers Site". Weyerhaeuser Company makes the following declarations as to limitations, restrictions, and uses to which the Mill E/Koppers Site may be put, and specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Mill E/Koppers Site.

Section 1. No groundwater may be taken for domestic purposes from any well at the Mill E/Koppers Site.

Section 2. No residential development may take place on the Site.

Section 3. Any activity on the Mill E/Koppers Site that may interfere with the viability of the containment systems or containment of the hazardous substances on the Site is prohibited. Any activity on the Mill E/Koppers Site that may result in the release of a hazardous substance that was contained as part of the Cleanup or Interim Cleanup Action(s) is prohibited.

Section 4. Any development of the Mill E/Koppers Site shall ensure the containment of the hazardous substances that are exposed or ensure proper management and disposal. Ecology will receive notice of any development that may impact the contained hazardous substances at least 30 days prior to such development.

Section 5. The owner of the Mill E/Koppers Site must give written notice to the Department of Ecology, or to a successor agency, of the owner's intent to convey any interest in the Mill E/Koppers Site. No conveyance of title, easement, lease or other interest in the Mill E/Koppers Site shall be consummated by the owner without adequate and complete provision for the continued operation, maintenance and monitoring of the Cleanup Action.

Section 6. The owner of the Mill E/Koppers Site must notify and obtain approval from the Department of Ecology, or from a successor agency, prior to any use of the Mill E/Koppers

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Site that is inconsistent with the terms of this Restrictive Covenant. The Department of Ecology or its successor agency may approve such a use only after public notice and comment.

Section 7. The owner shall allow authorized representatives of the Department of Ecology, or of a successor agency, the right to enter the Mill E/Koppers Site at reasonable times for the purpose of evaluating compliance with the Cleanup Action Plan and the Consent Decree, to take samples, to inspect Cleanup Actions conducted at the Mill E/Koppers Site, and to inspect records that are related to the Cleanup Action.

<u>Section 8.</u> The owner of the Mill E/Koppers Site and the owner's assigns and successors in interest reserve the right under WAC 173-340-740 and WAC 173-340-440 (1991 ed.) to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the Mill E/Koppers Site or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology, or successor agency. The Department of Ecology, or a successor agency may consent to the recording of such an instrument only after public notice and comment.

| Executed as of the _ | 15th day of July | . 1999 |
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| Property Order: | Weyerhaedser | SAD |
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Attachments:

Exhibit A-Legal Description of Property

STATE OF WASHINGTON

COUNTY OF KING

On this $(5^{th} \text{day of } (5^{th} \text{day of } (5^$

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

and m. Olnon

NOTARY PUBLIC in and for the State of Washington, residing at \mathcal{KENT}

My appointment expires $\underline{6} - 13 - 02$ Print Name MARIEL M. OLNON

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WHEN RECORDED PLEASE RETURN TO WEYERHAEUSER COMPANY LAND TITLE DEPT PO BOX 2999 TACOMA, WA 98477-2999

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| PD TRACT 11-4 LEGAL DESCR ALL THAT PORTION OF GOVER NULTHAT PORTION OF GOVER NULTHAT PORTON OF GOVER NULTHAT PORTON OF GOVER SAID SECTION 9 , DUSTANG SAID SECTION 9 , DUSTANG SAID SECTION 9 , DUSTANG POLNT 19 01 31 - 11 30 - NOXTH 71 01 31 - 11 30 - NOXTH 71 01 31 - 11 20 - NOXTH 71 01 31 - 11 20 - NOXTH 71 01 31 - 11 20 - 20 - 11 20 - 21 20 - 21 - 21 20 - 21 20 - 21 - 21 20 - 21 - 21 - 21 20 - 21 - 21 20 - 20 - 11 - 12 - 21 20 - 20 - 12 - 21 20 - 21 - 21 - 15 - 21 20 - 21 - 21 - 15 - 21 - 21 20 - 21 - 15 - 21 - 20 - 20 - 21 - 21 20 - 21 - 12 - 12 - 20 - 15 - 21 - 20 - 20 - 21 - 21 20 - 21 - 12 - 12 - 21 - 21 20 - 21 - 12 - 21 - 21 20 - 21 - 20 - 20 - 21 - 21 20 - 21 - 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 20 - 21 - 20 - 21 - 21 20 - 21 - 20 - 20 - 21 - 21 20 - 21 - 20 - 21 - 21 20 - 21 - 12 - 12 - 21 - 21 20 - 21 - 20 - 21 - 21 20 - 21 - 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 20 - 21 - 21 - 21 - 21 20 - 21 - 20 - 21 - 21 20 - 21 - 21 - 21 - 21 - 21 - 21 - 21 - 21 - 21 - | |
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