



Electronic Copy

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
PO Box 47775 • Olympia, Washington 98504-7775 • 360-407-6300  
Call 711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 22, 2021

Paul Prevou  
Cardno  
309 S Cloverdale St, Ste A-13  
Seattle, WA 98108

**Re: Exxon Station 73594 Environmental Covenant Removal**

**Site Name:** Exxon Station 73594  
**Site Address:** 13204 NE Hwy 99, Vancouver, Clark County, WA 98665  
**Facility Site ID:** 53876575  
**Cleanup Site ID:** 6242

Dear Paul Prevou:

Enclosed is the signed Environmental Covenant Removal Document (ECRD) for the Exxon Station 73594 Site. Please record the enclosed original ECRD in the Clark County Assessor's Office (CCAO). Once it is recorded, get a copy of the recorded original (if they do not give back the recorded original. Typically, the CCAO will mail the recorded original to me later), scan it and email me a copy. If the CCAO gives back the recorded original, make a copy for your file and mail the original to me.

If you have any questions, please call me at (360) 999-9603.

Sincerely,

Panjini Balaraju, P.E.  
Department of Ecology  
Toxics Cleanup Program  
Southwest Regional Office

Enclosure: Signed Original ECRD

By certified mail: 9489 0090 0027 6092 9911 30

cc: Bobby Thompson, CARDNO (w/o enclosure)  
Ecology Site File

After Recording Return to:

Panjini Balaraju  
Washington State Department of Ecology  
Toxics Cleanup Program  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

### TERMINATION & RELEASE OF RESTRICTIVE COVENANT

**Grantor:** State of Washington Department of Ecology

**Grantee:** Boarder Express LLC

**Legal Description:** #263 SEC 26 T3N R1E WM.60A.

**Parcel Number:** Clark County Parcel #186754000

**Cross-Reference:** Former Exxon Station 73594 (Facility Site ID# 53876575; Cleanup Site ID#: 6242), 13204 NE Highway 99, Vancouver, Washington 98686.

No Further Action Letter: May 28, 2020 (Exhibit B).

Restrictive Covenant No. 4971334 recorded in Clark County on 05/14/2013 (Enclosure-F in Exhibit B).

Pursuant to the Model Toxics Control Act, Chapter 70.105D RCW (MTCA), the Uniform Environmental Covenants Act, RCW 64.70.100, and WAC 173-340-440, the State of Washington, Department of Ecology (Ecology) has determined, after public notice and comment, that the Environmental Covenant (here after "Covenant") filed of record in Clark County under Auditor File Number 4971334 on May 14, 2013 between Boarder Express LLC, as Grantor and Ecology as Grantee (Covenant) or Holder of the Covenant over the property legally described as below is no longer necessary under the MTCA and its implementing regulations, Chapter 173-340 WAC in order to protect human health and the environment and the integrity of the remedial action. Ecology hereby consents to termination and release of the Covenant and relinquishes and quitclaims to Border Express LLC, any and all rights it may have that were created by the Covenant.

This document is not a settlement under MTCA. Ecology's signature below does not constitute a covenant not to sue or a compromise of Ecology's authority or rights other than those rights created by the Covenant itself.

**The legal description of the property subject to the Covenant is as follows:**

Abbreviated Legal Description from the Clark County Property Information Center: #263 SEC 26 T3N R1EWM .60A  
Tax Parcel No. 186754000

Situated in the City of Vancouver, County of Clark, State of Washington.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

by: Marian L. Abbett  
Marian L. Abbett, P.E.

Title: Acting Section Supervisor  
Toxics Cleanup Program  
Southwest Regional Office

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON

COUNTY OF Thurston

On this 22<sup>nd</sup> day of April, 2021, I certify that Marian L. Abbett personally appeared before me, acknowledged that he/she is the Acting Section Manager - TCP-SWRO of the state agency that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said corporation.

Treasure A Mitchell  
Notary Public in and for the State of

Washington, residing at McCleary, WA

My appointment expires 8/2/2023



**CONSENT TO TERMINATION & RELEASE OF COVENANT**

The undersigned, Christian Potter hereby consents to the release and termination of the above-described Environmental Covenant.

BORDER EXPRESS LLC

*Chris Potter*  
(Signature)

By: CHRISTIAN C POTTER  
(Printed Name)

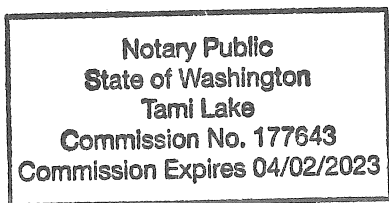
Title: Chief Development Officer & General Counsel

Dated: 1/15/2021

**REPRESENTATIVE ACKNOWLEDGEMENT**

STATE OF Washington  
COUNTY OF Clark

On this 15<sup>th</sup> day of January, 2021, I certify that Christiane Potter personally appeared before me, acknowledged that ~~he/she~~ signed this instrument, on oath stated that ~~he/she~~ was authorized to execute this instrument, and acknowledged it as the CDO & General Counsel [type of authority] of Border Express, LLC [name of party being represented] to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.



Tami Lake  
Notary Public in and for the State of  
Washington, residing at 111 W 39th Street  
Vancouver WA 98665  
My appointment expires 4/2/2023.