CLEANUP ACTION PLAN

Performed at:
Swindahl Properties LLC
aka Modutech Marine Inc.
2218 Marine View Drive
Tacoma, Washington 98422

AEROTECH
Environmental Consulting Inc.

June 30, 2021

Cleanup Action Plan

Site Name:	Swindahl Properties LLC aka Modutech Marine Inc.
Site Address:	2218 Marine View Drive Tacoma, Washington 98442
Alternate Location Info:	Pierce County, Washington Parcel Number: 0321264056

Ecology Facility Site ID No.:	1631646
Cleanup Site No.:	14602
Voluntary Cleanup Program Project No.:	SW1653

Prepared By:
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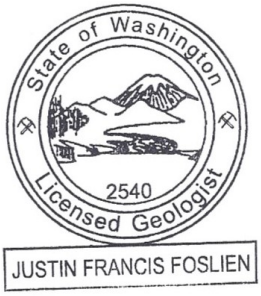
Prepared For:
Carl Swindahl
2218 Marine View Drive
Tacoma, Washington 98422

Signature:



Date: 06/30/21

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ACRONYMS AND ABBREVIATIONS

Aerotech	Aerotech Environmental Consulting, Inc
bgs	below ground surface
cPAHs	Carcinogenic Polycyclic Aromatic Hydrocarbons
COPCs	Constituents of Potential Concern
CSCSL	Confirmed and Suspected Contaminated Sites List
CSID	Cleanup Site Identification number
CSM	Conceptual Site Model
CULs	Cleanup Levels
Ecology	Washington State Department of Ecology
FSID	Facility Site Identification Number
MTCA	Model Toxics Control Act
PID	Photoionization Detector
PCBs	Polychlorinated Biphenyls
PVC	Polyvinyl Chloride
RI	Remedial Investigation
Riley	The Riley Group, Inc.
TDS	Total Dissolved Solids
TEE	Terrestrial Ecological Evaluation
TPH	Total Petroleum Hydrocarbon
TPHg	Total Petroleum Hydrocarbon – Gasoline Range
TPHd	Total Petroleum Hydrocarbon – Diesel Range
TPHo	Total Petroleum Hydrocarbon – Heavy Oil Range
VCP	Voluntary Cleanup Program
VOCs	Volatile Organic Compunds
WAC	Washington State Administrative Code

EXECUTIVE SUMMARY

The subject Property is a rectangular-shaped approximately 5.98-acre (260,470 square foot) Parcel of industrial land located on the Hylebos Waterway in Tacoma, Washington. Significant bodies of water include Commencement Bay approximately two miles northwest.

The subject Property is configured with four buildings and a small boatyard that comprise the facility for the fiberglass and steel boat manufacturer, Modutech Marine, Inc. Two adjoining office buildings are situated in the center of the Parcel facing northeast toward Marine View Drive. Asphalt paved parking spaces are provided northeast of the buildings. Adjacent to the east is the manufacturing and production warehouse. A fabrication and spray building is situated along the east Property border. South of the building are material storage sheds, including a metal shipping container housing shelves of petroleum products. West of the warehouse are two large canvas tents that are used for sandblasting vessels. The eastern portion of the Property houses several boats, trailers, electric hoists, metal parts and pieces, and wood products.

The contiguous office buildings comprise approximately 6,560 square feet and are configured with offices, a reception area, restrooms, and a conference room. The warehouse comprises approximately 19,136 square feet and houses the marine manufacturing, repair, and production operations. Additionally, the warehouse contains an electrical room, an employee break area, a welding shop, and an approximately 1,530 square foot mezzanine used for storage. The building along the southeast Property boundary comprises approximately 4,440 square feet and is divided into two sections; one side was used for spray applications and the other side was used for fabrication.

The subject Property was first developed sometime prior to 1940 with the construction of a residence and a garage or shed. Between 1960 and 1965, the residence was vacant. By 1969, the former structures were demolished, and the present-day warehouse was constructed to occupy the ship building plant, Tide Bay Inc. By 1975, the Property occupied Martinolich Ship Builders. In 1980, a two-story office building and a dock marina were constructed. By then, the boat manufacturer, Marine Technical Services, occupied the Property. In 1985, a material storage shed was constructed. In 2013, an additional two-story office building was constructed onto the existing structure. The subject Property has been occupied by the steel and fiberglass marine boat manufacturer, Modutech Marine Inc, since 1986 throughout to present-day.

During a Site Inspection conducted by the Department of Ecology on June 17, 1992, inspectors confirmed the presence of sandblast grit spread along the roads and surfaces in certain areas of the Site. Following a request by Ecology to stop contaminants from spent sandblast grit from reaching the Hylebos Waterway, Modutech Inc removed the waste sandblast grit from the subject Property. The Model Toxics Control Act requires confirmation sampling to confirm that remedial efforts have been successful at a Site. Based on the information provided, confirmatory sampling had not been completed.

Soil and Groundwater:

The presence of arsenic and lead in the subsurface has been confirmed above the MTCA A Industrial CULs. Vertical and horizontal definition of the extent of metals above cleanup standard has been achieved to the extent practicable.

Arsenic in groundwater previously exceeded Method A CULs in the upgradient well MW1. Subsequent analyses of TDS from the site wells confirmed an average concentration above 10,000 mg/l in the four groundwater monitoring wells. The average TDS present within the four monitoring wells permits the shallow aquifer to be characterized as non-potable per WAC 173-340-720(2)(b)(ii). No concentrations of arsenic have exceeded CULs in the source area associated with the shoreline fill.

Based on the existing information collected from *Swindahl Properties LLC*, the delineation of heavy metals above CUL's is complete and isolated to three general areas. Further management will be required to prevent the exposure of arsenic or lead to human health and the environment. To potentially reduce the cost of remediation, Aerotech has proposed the completion of a surficial soil assessment to confirm the shallow depth of the elevated metals. The results of this proposed assessment will determine the appropriate surface cover necessary to cap the residual elevated arsenic and lead concentrations.

1. INTRODUCTION

The purpose of this Cleanup Action Plan ("CAP") is to present the cleanup actions selected for the Site and ensure adequate O&M for the remedial actions approved by the Washington State Department of Ecology ("Ecology"). The cleanup actions include the sampling of surficial soil from 0-2 to confirm the residual concentration of arsenic and lead are below Industrial Cleanup Levels; and based on the results of the confirmation sampling reduce the surface area requiring a soil cap that will be made up of either 1) asphalt ;2) gravel; and /or hydroseeded clean soil. In addition to the installation of a soil cap, the residual contamination in soil will require the implementation of an Environmental Covenant. Aerotech Environmental Consulting, Inc ("Aerotech") was retained by Mr. Carl Swindahl of Swindahl Properties LLC to submit this CAP and Environmental Covenant to Ecology.

Under MTCA, 173-340-200 Washington Administrative Code ("WAC") the Site is defined by the nature and extent of contamination associated with one or more releases of hazardous substances prior to any cleanup of the contamination. Aerotech has completed several investigations to define the Site based on previous release associated with spent sandblast grit.

1.1. GENERAL SITE INFORMATION

Site Name:	Swindahl Properties LLC
	aka Modutech Marine Inc.
Site Address:	2218 Marine View Drive
	Tacoma, Washington 98422
Facility Site Identification number (FSID):	1631646
Cleanup Site Identification number (CSID):	14602
Voluntary Cleanup Program (VCP):	SW1653
Project Consultant:	Aerotech Environmental Consulting, Inc.
Project Consultant Contact Information:	Justin Foslien
	13925 Interurban Avenue South,
	Suite No. 210
	Seattle, Washington 98168
	(206) 257-4211
	justin@dirtydirt.us
Property Owner:	Carl Swindahl
	2218 Marine View Drive
	Tacoma, Washington 98422
	(253) 272-9319
	carl@modutechmarine.com

1.2. SITE LOCATION/DEFINITION

The subject Property (2218 Marine View Drive; Parcel #0321264056) is comprised of one rectangular-shaped 5.98-acre parcel of industrial land, located on the southwest side of Marine View Drive in Tacoma, Washington occupied by Modutech Marine Inc. (Figures 1 & 2).

Four buildings and a small boatyard comprise the facility buildings for the fiberglass and steel boat manufacturer, Modutech Marine, Inc. Two adjoining office buildings are situated in the center of the parcel facing northeast toward Marine View Drive. Asphalt paved parking spaces are provided northeast of the buildings. Adjacent to the east is the manufacturing, repair, and production warehouse. A fabrication and spray building is situated along the east Property border. South of the building are material storage sheds, including a metal shipping container housing shelves of petroleum products. West of the warehouse are two large canvas tents that are used for sandblasting and painting vessels. The northwest corner of the Property is used for heavy equipment storage. The eastern portion of the Property houses several boats, trailers, electric hoists, metal parts and pieces, and wood products (Figure 3).

The contiguous office buildings comprise approximately 6,560 square feet and are configured with offices, a reception area, restrooms, and a conference room. The warehouse comprises approximately 19,136 square feet and houses the marine manufacturing and production operations. Additionally, the warehouse contains an electrical room, an employee break area, a welding shop, and an approximately 1,530 square foot mezzanine used for storage. The building along the southeast Property boundary comprises approximately 4,440 square feet and is divided into two sections; one side was used for spray applications and the other side was used for fabrication.

The marina houses 50 covered slips and is accessible via a dock in the southeast corner of the Property. There are no permanent live-on board residents.

The Site is situated between the Hylebos Waterway (leading to Commencement Bay), which is immediately southwest, and bluffs of northeast Tacoma located across Marine View Drive (Figure 3).

The MTCA site (Site) is defined by the extent of release to soil as heavy metals associated with the sand blasting grit at the *Swindahl Properties LLC* parcel.

1.2.1. SURROUNDING AREA DESCRIPTION:

Adjoining and adjacent properties and landmarks include Marine View Drive (Highway 509) adjoining to the north; the Hylebos Waterway to the south; Norpoint Way Northeast adjacent to the north; Interstate Five approximately 2½ miles south; Highway 167 approximately three miles south; Interstate 705 approximately three miles southwest; Highway 7 approximately four miles southwest; and Highway 16 approximately five miles southwest. Significant bodies of water include Commencement Bay approximately two miles northwest.

1.2.2. PHYSIOGRAPHIC SETTING/TOPOGRAPHY

The precise Property location is N 47° 16' 25.21" / W 122° 22' 44.61" as determined by Google Earth mapping data. The Site elevation is approximately 13 feet above mean sea level. As observed during the Site visit and confirmed on the USGS topographic map, the subject Property exhibits a surficial drainage towards the southwest, based upon overall Site topography. Additionally, the assumed general groundwater flow is to the southwest.

1.3. SITE HISTORY

The subject Property was first developed sometime prior to 1940 with the construction of a residence and a garage or shed. Between 1960 and 1965, the residence was vacant. By 1969, the former structures were demolished, and the present-day warehouse was constructed to occupy the ship building plant, Tide Bay Inc. By 1975, the Property occupied Martinolich Ship Builders. In 1980, a two-story office building and a dock marina were constructed. By then, the boat manufacturer, Marine Technical Services, occupied the Property. In 1985, a material storage shed was constructed. In 2013, an additional two-story office building was constructed onto the existing structure. The subject Property has occupied the steel and fiberglass marine boat manufacturer, Modutech Marine Inc, since 1986 throughout to the present-day.

During a Site Inspection conducted by the Department of Ecology on June 17, 1992, inspectors confirmed the presence of sandblast grit spread along the roads and surfaces in certain areas of the

Site. Following a request by Ecology to stop contaminants from spent sandblast grit from reaching the Hylebos Waterway, Modutech Inc removed the waste sandblast grit from the subject Property.

The Riley Group, Inc. ("Riley") completed a Phase I Environmental Site Assessment, September 11, 2009 at the Modutech Marine Inc. identifying three recognized environmental conditions:

1) A hazardous release was previously identified on the Site in the form of sand blast grit. The grit was previously deposited in various locations throughout the Site. At Ecology request, the grit was excavated and disposed of off-Site. Visual observation was conducted by Site occupants and Ecology inspectors to determine that the bulk of the grit had been removed from the Site. However, no confirmatory soil or groundwater sampling has been performed. Contaminants of concern confirmed at the Site include arsenic, cadmium, lead, PCBs and carcinogenic PAHs. MTCA requires that sampling be performed to confirm that remedial efforts have been successful at the Site.
2) The Site has been occupied by a boat manufacturing facility since the mid-1960s. While hazardous materials and wastes appear to be currently handled in accordance with Ecology recommendations, historical chemical handling and/or waste disposal practices (particularly prior to the current ownership) are unknown. Chemicals used and wastes generated at the Site have likely historically included, but are not necessarily limited to fiberglass resin, petroleum products, chlorinated and non-chlorinated solvents, and/or lead-based paints. Sampling would be necessary to determine whether any historical on-Site activities have adversely affected soil and/or groundwater quality.
3) The northwest adjoining property is currently listed on Ecology's Confirmed and Suspected Contaminated Sites List (CSCSL) for groundwater contamination identified near a right-of way pump station. The extent of the petroleum-affected groundwater is unknown at this time. Additional investigation would be necessary to determine if this off-Site release has adversely affected soil and/or groundwater quality at the subject Site.

On October 21, 2009, Riley advanced a total of four test probes (SP1 through SP4) to a maximum depth of 6 feet below ground surface ("bgs"). Each test probe was advanced at the approximate four locations identified above, where elevated concentrations of the specified contaminants of concern were previously reported (Riley, 2009b).

A total of 8 discrete soil samples were collected during this project. In general, samples were collected of surficial and deeper fill material, respectively. Soil samples were screened in the field for the presence of volatile organic compounds ("VOCs") using a portable gas analyzer equipped with a photo-ionization detector ("PID"). No elevated PID field screening results were noted (Riley, 2009b).

Samples were selected based on the historical detections of the specified contaminants of concern. Samples SPI-1 and SP2-0.5 were collected from beneath the existing concrete pavement and selected based on the previous detection of Carcinogenic Polycyclic Aromatic Hydrocarbons ("cPAHs") and metals, respectively, in shallow soils. Samples SP3-3 and SP4-3 were collected from the deeper fill layer, which was reportedly overlain by the previously excavated sandblast grit (Riley, 2009b).

A *Phase I Environmental Site Assessment* completed February 26, 2018, by Aerotech, identified Contaminants of Concern as compounds related to spent sandblast grit: Metals ("MTCA 5") which include Arsenic, Chromium, Cadmium, Lead and Mercury (Aerotech, 2018a).

In March and April 2018, Aerotech subsequently advanced 28 soil borings completed during the Site Characterization, performed on March 8, March 28, and April 2, 2018. Soil borings were advanced in areas where the approximate locations of former suspect fill areas. Samples were collected from depths ranging from 3 to 12 feet bgs. Soil samples collected from soil borings SB04, SB07, SB08, SB11, SB20, SB25, and SB27 contained concentrations of Arsenic and Lead above the MTCA Method A Industrial Cleanup Levels ("CULs").

A groundwater monitoring well network consisting of MW1 through MW4 was installed to evaluate the impact of Arsenic and Lead to groundwater beneath the Site. Groundwater samples collected from monitoring wells MW1 through MW4 did not contain concentrations of Arsenic and Lead above the

MTCA Method A CULs (Aerotech 2018b). Further information may be found in Aerotech's *Site Characterization Report*, *Swindahl Properties LLC* dated April 19, 2018.

An Additional Site Characterization Report, performed on June 29, 2018, included the advancement of ten soil borings in the area near SB25. The purpose was to delineate the vertical and horizontal extent of Arsenic and Lead. Aerotech collected additional samples from soil boring locations SB02, SB12, SB19, SB24, SB25, and SB29 through SB33. Samples were collected from depths ranging from 3 to 16 feet below ground surface. Soil samples collected from soil boring SB25 contained of Arsenic and Lead above the CULs (Aerotech, 2018c). Further information may be found in Aerotech's *Additional Site Characterization Report*, *Swindahl Properties LLC* dated July 20, 2018.

2. CLEANUP ACTION

The soil pathway requires further management to prevent exposure to human health and the environment (Figure 4). The presence of arsenic and lead in the subsurface has been confirmed above the MTCA A Industrial CULs. Delineation of the heavy metals above cleanup standard is complete and isolated to three general areas. However, Aerotech proposes to collect surficial soil samples (0-2 feet below grade) to determine if some or portions of the existing surface cover may be utilized as part of the corrective action or if additional clean material will be required to be installed as part of a soil/asphalt/building cap.

Arsenic in groundwater previously exceeded Method A CULs in the upgradient well MW1. Subsequent analyses of TDS from the site wells confirmed concentrations above 10,000 mg/l in three of the four groundwater monitoring wells. The TDS present within three of the four monitoring wells permits the shallow aquifer to be characterized as non-potable per WAC 173-340-720(2)(b)(ii). No concentrations of arsenic have exceeded CULs in the source area associated with the shoreline fill. No further action is planned to address the groundwater at the Site due to the non-potable designation.

Based on the MTCA Site Boundary limited to the source property, the Site is eligible for the use of a Model Remedy 3 for Soil.

2.1. SURFICIAL SOIL ASSESSEMENT

Prior to the installation of a soil cap that will be made up of existing buildings and surface cover, a surficial soil assessment will occur to determine if any of the existing soil cover in the three areas will need to be covered with either asphalt or up to 6 inches of clean soil material to prevent direct contact with soil.

The operating business at the Site includes buildings on top of fixed foundations as well as concrete, asphalt and gravel surface cover that is utilized for staging and parking of vehicles. Due to this existing infrastructure, the increase of more than 6 inches of topsoil would result in buried foundations. After discussing with the Swindahl Family, Aerotech presented the idea of completing a surficial soil assessment to determine if any of the existing surface cover may potentially be utilized as part of the cap thereby reducing remedial costs to the owners of the Property. If sufficient data analyses are completed on the 0-2 foot interval, the Selected Remedy for the Site may be modified slightly to include part of the existing cover and what wasn't below CULs would need to be capped with asphalt.

Aerotech proposes to collect soil samples from eight (8) locations shown on Figure 5. At each location samples will be collected at 1.5 and 2.0 feet below the existing grade. Initially the 2.0-foot sample interval will be analyzed for total arsenic or lead depending on the adjacent previous detection above the CUL. Further analyses, if necessary, will be requested on the 1.5- foot sample intervals. If arsenic or lead concentrations in shallow soil are above the Method A Industrial CULs at any depth shallower than 1.5-feet, then that area will need to be covered with an asphalt cap. The results of the assessment will be compiled in a brief report with an updated map of the surface cap factoring the new surficial soil data. The map will be submitted to Ecology prior to any construction of the Cap. The updated map will also illustrate the anticipated composition in each area whether it is gravel, asphalt or existing building and/or concrete.

2.2. DESCRIPTION OF SELECTED REMEDY

Based on the surficial soil assessment results, the three areas with remaining heavy metals above the MTCA A Industrial CULs will be capped to prevent the direct contact with arsenic and lead impacted soil associated with the shoreline fill at the Site. Further excavation of soil above CULs is not practicable based on the potential to undermine existing Site infrastructure and the significant

disturbance to the operating business of Modutech Marine Inc. Residual soil concentrations above CULs remain at a depth of 4-12 feet bgs out of the reach of the public unless future construction activity at the Site requires excavation to that depth. Therefore, in addition to installing a cap if necessary or utilizing existing surface cover upon verifying the top two feet of surficial soil are below the Method Industrial CULs, an administrative control in the form of an environmental covenant designating the location of remaining soil above CULs to remain in place under a cap has been selected as the remedy to manage the residual metals above the CULs in soil.

The selected remedy is the most appropriate for the Site for the following reasons:

- Additional removal of residual heavy metals will result in the undermining of existing infrastructure and site business operations:
- The remedy protects human health and the environment from exposure of residual concentrations above the CUL for soil by verifying the existing surface cover is confirmed below CULs, and/or importing clean material: and
- Compliance monitoring required as part of the institutional control will provide a method for ensuring the conditional point of compliance locations are met.

2.2.1. DESCRIPTION OF CLEANUP PLAN

The selected cleanup will include the completion of a surficial soil assessment to determine if the existing surface cover is sufficient to prevent direct contact with humans and the environmental. Should the assessment indicate the presence of arsenic and lead above the industrial Method A CULs, a combination of clean soil topped with gravel or hydroseed and/or asphalt will be added to the existing surface cover. The surface cover at the Site is not expected to change and should it in the future the recording of an environmental ensures that the residual elevated arsenic and lead remaining in soil will stay in place and not be exposed resulting in a potential release to the environment or result in the creation of a new pathway.

2.2.2. CLEANUP STANDARDS AND POINT OF COMPLIANCE

The CULs selected for *Swindahl Properties LLC* are the Method A Industrial Values for soil.

The POC for soil is throughout the Site down to 15 feet bgs. The Conditional POC proposed for the cleanup action plan is from 0 to 2 feet bgs. This is the area where the soil cleanup levels must be attained to ensure the protection of human health and the environment.

2.2.3. APPLICABLE, RELEVANT AND APPROPRIATE REQUIREMENTS

There are no other applicable, relevant and appropriate requirements applicable to the Site.

2.2.4. RESTORATION TIMEFRAME

The selected cleanup will not require any restoration as it is a cap utilizing the existing surface cover or the additional installation of surface cover and an institutional control.

2.2.5. COMPLIANCE MONITORING

A compliance monitoring program utilizing an annual inspection of the cap will be implemented as part of the environmental covenant required to be submitted annually. This will ensure protection of human health and the environment by confirming via inspection of the surface cover above the MTCA Site Boundary will be necessary to ensure no construction or new erosion may have occurred that could create an additional exposure route.

2.2.6. SCHEDULE FOR IMPLEMENTATION

Currently the schedule for implementation is generic. Aerotech anticipates submitting this report to Ecology in July 2021.

Once the CAP is accepted, Aerotech will complete the surficial soil assessment and report the results to Ecology with the appropriate surface cover to be used with the environmental covenant.

2.2.7. INSTITUTIONAL/ENGINEERING CONTROLS

Aerotech proposes the implementation an institutional control as an environmental covenant to ensure that the residual heavy metals in soil will stay in place and not be exposed resulting in a potential release to the environment or result in the creation of a new pathway. A proposed Environmental Covenant is included in Appendix A. Additionally, an Engineering Control in the form of a surface cap will be utilized to prevent human health and the environment from directly contacting residual elevated heavy metals in soil above the MTCA Method A Industrial CUL.

2.2.8. PUBLIC PARTICIPATION

Upon the approval of the proposed cleanup action plan by the VCP, an electronic version of the report may be made available to the public for comments.

3. OPERATION & MAINTENANCE

3.1. CAP INSPECTION

The cap that will be made up of the existing buildings, asphalt, concrete and gravel surface cover must be inspected annually. This action will document any change in the use of the Property and/or any modification of the existing Property surface cover that may enable exposure to the remaining heavy metal concentrations in soil.

Documentation of the periodic inspection may utilize photos of the Property with a photo number, date, time, direction of viewpoint (direction camera pointed toward), and description of the vantage point on the parcel and a date on the field form included in the Appendix B.

4. SUMMARY

The subject Property was first developed sometime prior to 1940 with the construction of a residence and a garage or shed. Between 1960 and 1965, the residence was vacant. By 1969, the former structures were demolished, and the present-day warehouse was constructed to occupy the ship building plant, Tide Bay Inc. By 1975, the Property occupied Martinolich Ship Builders. In 1980, a two-story office building and a dock marina were constructed. By then, the boat manufacturer, Marine Technical Services, occupied the Property. In 1985, a material storage shed was constructed. In 2013, an additional two-story office building was constructed onto the existing structure. The subject Property has been occupied by the steel and fiberglass marine boat manufacturer, Modutech Marine Inc, since 1986 throughout to present-day.

During a Site Inspection conducted by the Department of Ecology on June 17, 1992, inspectors confirmed the presence of sandblast grit spread along the roads and surfaces in certain areas of the Site. Following a request by Ecology to stop contaminants from spent sandblast grit from reaching the Hylebos Waterway, Modutech Inc removed the waste sandblast grit from the subject Property. The Model Toxics Control Act requires confirmation sampling to confirm that remedial efforts have been successful at a Site. Based on the information provided, confirmatory sampling had not been completed.

The presence of arsenic and lead in the subsurface has been confirmed above the MTCA A Industrial CULs. Vertical and horizontal definition of the extent of metals above cleanup standard has been achieved to the extent practicable.

Arsenic in groundwater previously exceeded Method A CULs in the upgradient well MW1. Subsequent analyses of TDS from the site wells confirmed concentrations above 10,000 mg/l in three of the four groundwater monitoring wells. The TDS present within three of the four monitoring wells permits the shallow aquifer to be characterized as non-potable per WAC 173-340-720(2)(b)(ii). No concentrations of arsenic have exceeded CULs in the source area associated with the shoreline fill.

Based on the existing information collected from *Swindahl Properties LLC*, the delineation of heavy metals above CUL's is complete and isolated to three general areas. Further management will be required to prevent the exposure of arsenic or lead to human health and the environment. To potentially reduce the cost of remediation, Aerotech has proposed the completion of a surficial soil assessment to confirm the shallow depth of the elevated metals. The results of this proposed assessment will determine the appropriate surface cover necessary to cap the residual elevated arsenic and lead concentrations. Aerotech recommends submitting this report to the Ecology with a request for opinion on the proposed activities for the Site.

5. LIMITATIONS

For any documents cited that were not generated by Aerotech, the data taken from those documents is used "as is" and is assumed to be accurate. Aerotech does not guarantee the accuracy of this data and makes no warranties for the referenced work performed nor the inferences or conclusions stated in these documents.

This report and the works performed have been undertaken in good faith, with due diligence and with the expertise, experience capability and specialized knowledge necessary to perform the Work in a good and workmanlike manner and within all accepted standards pertaining to providers of environmental services, in Washington at the time of investigation. No soil engineering or geotechnical references are implied or should be inferred. The evaluation of the geologic conditions at the site for this investigation is made from a limited number of data points. Subsurface conditions may vary away from these data points.

6. REFERENCES

Aerotech Environmental Consulting, Inc ("Aerotech"). February 26, 2018a. *Phase I Environmental Site*. Swindahl Properties LLC. 2218 Marine View Drive Tacoma, Washington 98422.

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Aerotech. July 20, 2018c. *Additional Site Characterization Report*. Swindahl Properties LLC. 2218 Marine View Drive Tacoma, Washington 98422.

Aerotech. July 26, 2018d. *Groundwater Monitoring Report: Second Quarter*. Swindahl Properties LLC. 2218 Marine View Drive Tacoma, Washington 98422.

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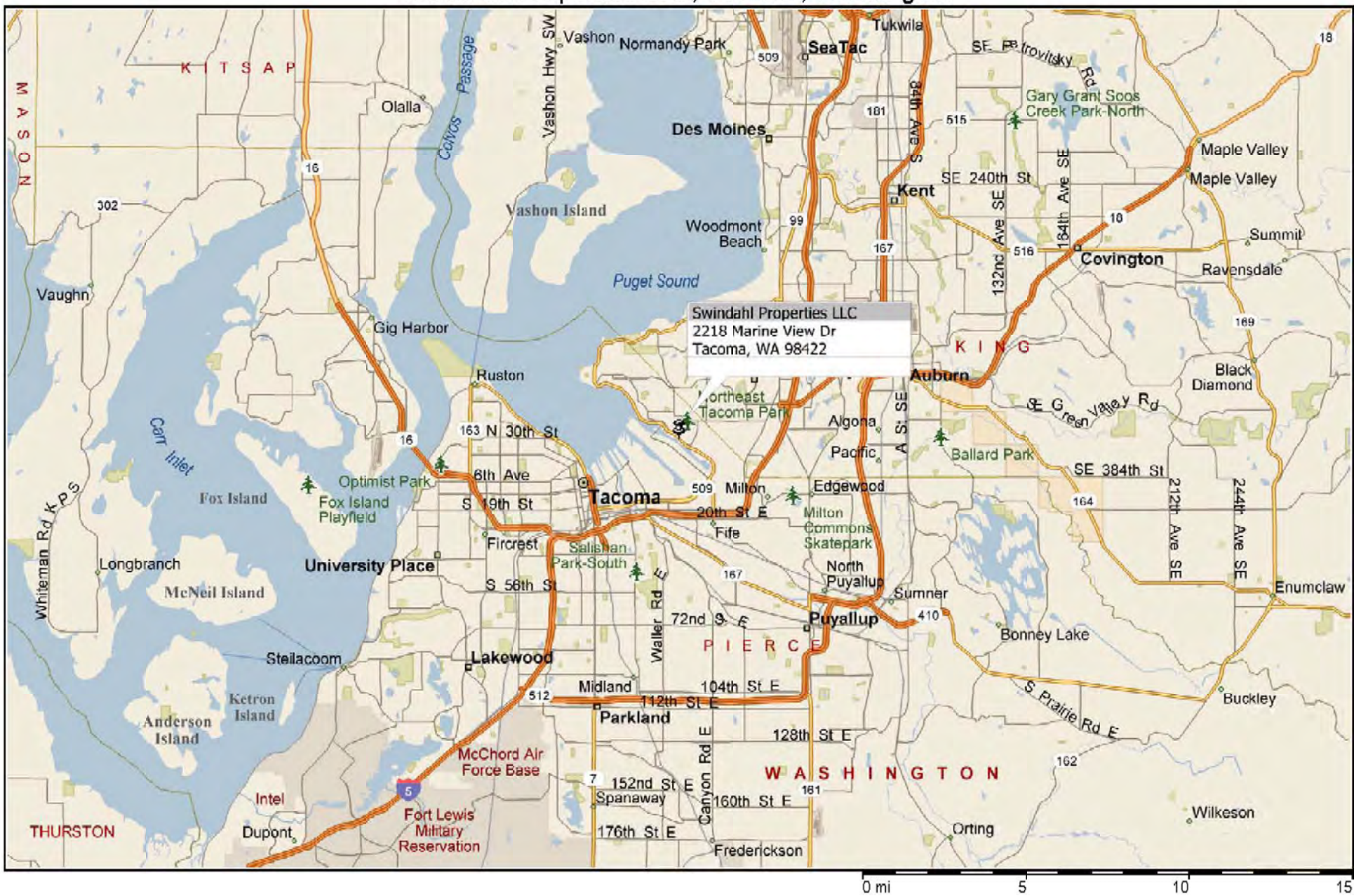
Riley. November 10, 2009b. *Focused Phase II Subsurface Investigation*, Modutech Marine, Inc. 2218 Marine View Drive Tacoma, Washington. 98422

• Figures

Swindahl Properties LLC, Tacoma, Washington

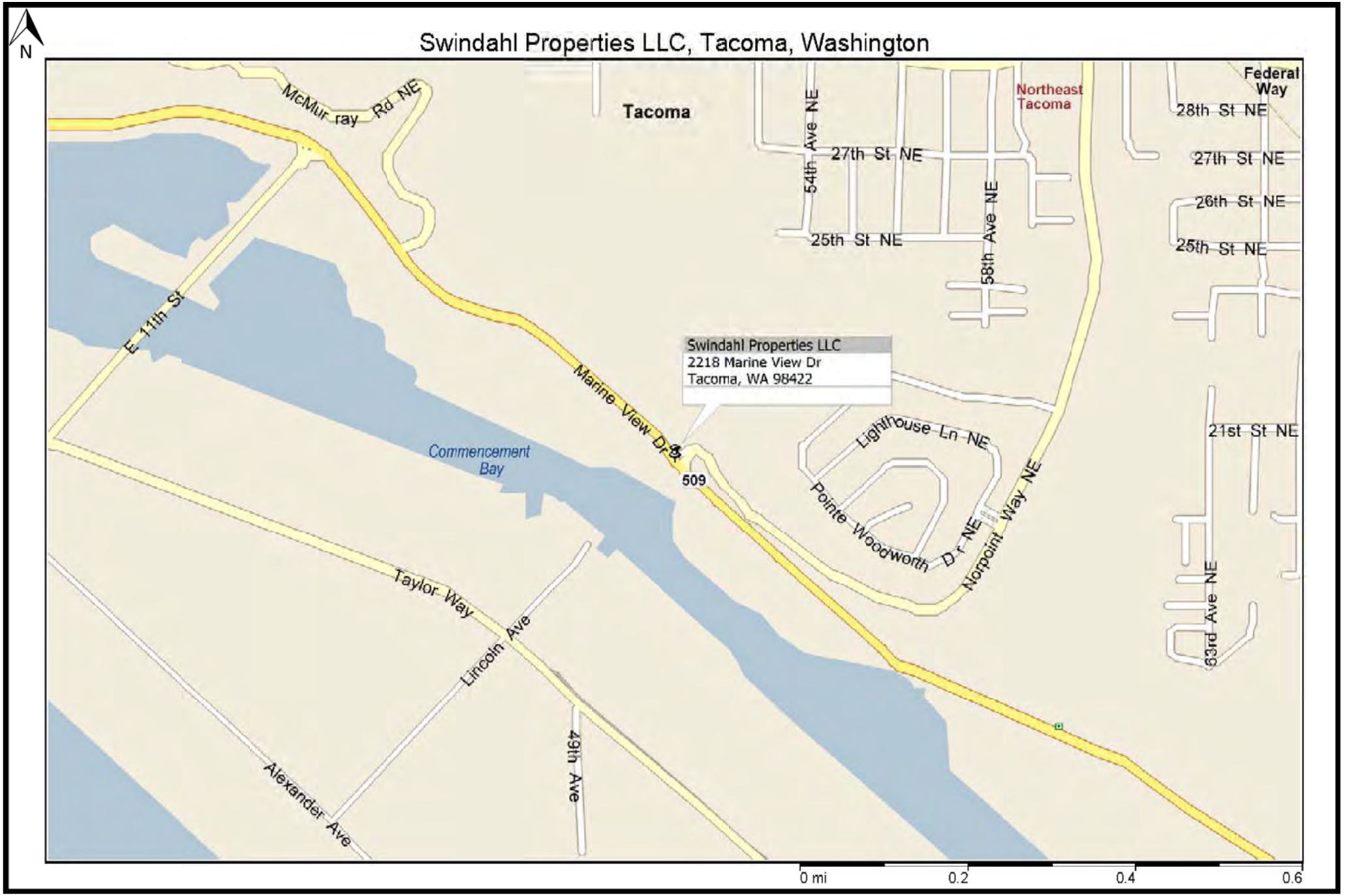


AEROTECH ENVIRONMENTAL CONSULTING

REGIONAL MAP

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 04/19/18
By: Nick Gerkin
Figure: 1

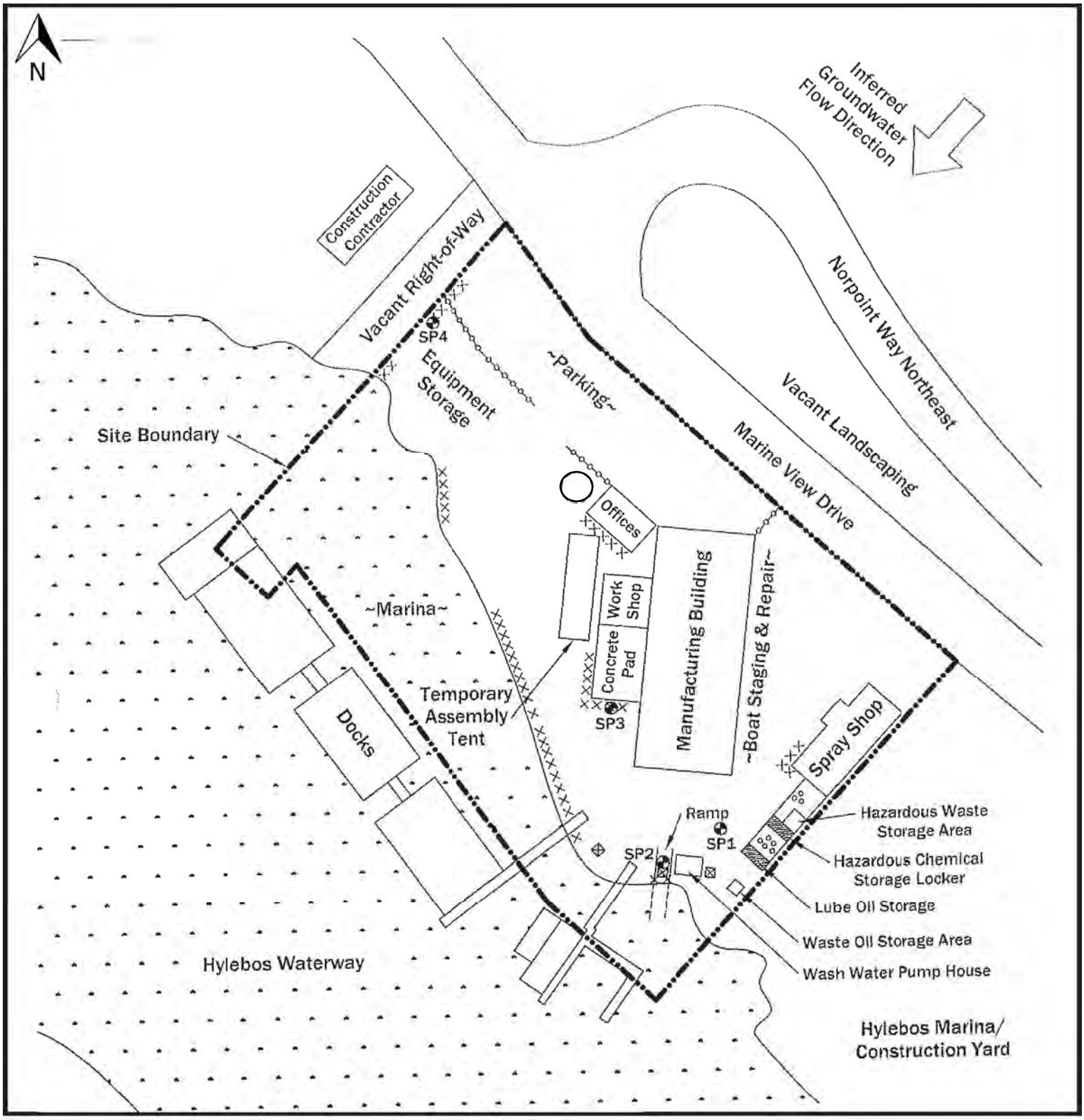


AEROTECH ENVIRONMENTAL CONSULTING

NEIGHBORHOOD MAP

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 04/19/18
By: Nick Gerkin
Figure: 2



EXPLANATION

SP4 — Approximate Boring Location by Riley - 10/21/09

XXX — Approximate Location of Suspect Fill Areas

⊠ — Wash Water Catch Basin

◯ — Approximate Location of Former Septic Tank

○ — Drum

Map utilized from "Figure 2 - Site and Surrounding Area" *Focused Phase II Investigation* (Riley, 2009a)

0 25 50 100
SCALE (feet)

AEROTECH ENVIRONMENTAL CONSULTING

SITE VICINITY MAP

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 09/04/19
By: Justin Foslien
Figure: 3

EXPLANATION

0 25 50 100
SCALE (feet)

Soil Above MTCA Method A Industrial Cleanup Level

SB28 Soil Boring Location

MW4 Groundwater Monitoring Well

Concrete Shoreline Fill

Property Line

Green numbers and symbols indicate concentrations below the MTCA Method A Cleanup Levels

Red numbers and symbols indicate concentrations above the MTCA Method A Cleanup Levels

AEROTECH ENVIRONMENTAL CONSULTING

SOIL ABOVE MTCA INDUSTRIAL CUL

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 06/11/21

By: Justin Foslien

Figure: 4

EXPLANATION

0 25 50 100
SCALE (feet)

Soil Above MTCA Method A Industrial Cleanup Level

SB28 Soil Boring Location

MW4 Groundwater Monitoring Well

Concrete Shoreline Fill

Property Line

Green numbers and symbols indicate concentrations below the MTCA Method A Cleanup Levels

Red numbers and symbols indicate concentrations above the MTCA Method A Cleanup Levels

Proposed Soil Boring Location

AEROTECH ENVIRONMENTAL CONSULTING

PROPOSED SURFICIAL SOIL LOCATION MAP

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 06/11/21

By: Justin Foslien

Figure: 4

• Tables

TABLE 1
SOIL ANALYTICAL RESULTS
Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

The Riley Group, Inc. - Focused Phase II Subsurface Investigation - November 10, 2009

Sample ID	Soil Boring/Point Well ID	Sampling Date	Sample Depth	TPHd	TPHo	cPAHs	PCBs	Arsenic	Lead	Chromium	Cadmium	Mercury	VOCs
			Feet BGS	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
SP1-1	SP1	10/21/09	1	--	--	ND	--	--	--	--	--	--	--
SP1-3.5	SP1	10/21/09	3.5	--	--	--	--	--	--	--	--	--	--
SP2-0.5	SP2	10/21/09	0.5	--	--	--	--	<5.0	<0.5	6	<1.0	<0.5	--
SP2-4	SP2	10/21/09	4	--	--	--	--	--	--	--	--	--	--
SP3-1	SP3	10/21/09	1	--	--	--	--	--	--	--	--	--	--
SP3-3	SP3	10/21/09	3	--	--	--	--	<5.0	<0.5	14	<1.0	<0.5	--
SP4-1	SP4	10/21/09	1	--	--	--	--	--	--	--	--	--	--
SP4-3	SP4	10/21/09	3	--	--	--	ND	<1.0	6.2	2.0	<1.0	<0.5	--
MTCA Method A Industrial Cleanup Levels				2,000	2,000	2	10	20	1,000	19	2	2	Varies

Aerotech Environmental Consulting, Inc. - Site Characterization Report - April 19, 2018 & July 20, 2018

Sample ID	Soil Boring/Point Well ID	Sampling Date	Sample Depth	TPHd	TPHo	cPAHs	PCBs	Arsenic	Lead	Chromium	Cadmium	Mercury	VOCs
			Feet BGS	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
SB01@3'	SB01	03/08/18	3	--	--	--	--	2.2	5.4	2.0	<1.0	<0.5	--
SB02@4'	SB02	03/08/18	4	--	--	--	--	2.9	5.0	2.0	<1.0	<0.5	--
SB02A(4)	SB02	06/29/18	4	<20	<50	--	--	--	--	--	--	--	--
SB02A(8)	SB02	06/29/18	8	<20	<50	--	--	2.2	2.9	--	--	--	--
SB02A(12)	SB02	06/29/18	12	<20	<50	--	--	--	--	--	--	--	--
SB03@4'	SB03	03/08/18	4	--	--	--	--	7.0	**1,100**	18	<1.0	<0.5	--
SB03A(8)	SB03	03/28/18	8	--	--	--	--	<1.0	50	--	--	--	--
SB04@3'	SB04	03/08/18	3	--	--	--	--	<1.0	6.2	2.0	<1.0	<0.5	--
SB04A(8)	SB04	04/02/18	8	--	--	--	--	1.5	27	--	--	--	--
SB05@4'	SB05	03/08/18	4	--	--	--	--	19	210	4.0	1.6	<0.5	--
SB06@4'	SB06	03/08/18	4	--	--	--	--	1.7	67	2.1	<1.0	<0.5	--
SB07@4'	SB07	03/08/18	4	--	--	--	--	**45**	16	3.1	<1.0	<0.5	--
SB07A(8)	SB07	03/28/18	8	--	--	--	--	**38**	25	--	--	--	--
SB07B(12)	SB07	04/02/18	12	--	--	--	--	1.3	1.4	--	--	--	--
SB08@4'	SB08	03/08/18	4	--	--	--	--	**31**	20	3.2	<1.0	<0.5	ND
SB08A(8)	SB08	03/28/18	8	--	--	--	--	**32**	30	--	--	--	--
SB08B(12)	SB08	04/02/18	12	--	--	--	--	17	30	--	--	--	--
SB09@4'	SB09	03/08/18	4	--	--	--	--	9.1	160	12	<1.0	<0.5	--
SB10@4'	SB10	03/08/18	4	--	--	--	--	4.7	25	4.6	<1.0	<0.5	--
SB11@4'	SB11	03/08/18	4	--	--	--	--	**39**	97	5.9	<1.0	<0.5	--
SB11A(8)	SB11	03/28/18	8	--	--	--	--	1.2	7.7	--	--	--	--
MTCA Method A Industrial Cleanup Levels				2,000	2,000	2	10	20	1,000	19	2	2	Varies

TABLE 1
SOIL ANALYTICAL RESULTS
Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Aerotech Environmental Consulting, Inc. - Site Charaterization Report - April 19, 2018 & July 20, 2018 (continued)

Sample ID	Soil Boring/Point Well ID	Sampling Date	Sample Depth	TPHd	TPHo	cPAHs	PCBs	Arsenic	Lead	Chromium	Cadmium	Mercury	VOCs
			Feet BGS	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
SB12@4'	SB12	03/08/18	4	--	--	--	--	17	490	9.2	<1.0	<0.5	--
SB12A(8)	SB12	03/28/18	8	--	--	--	--	9	290	--	--	--	--
SB12B(12)	SB12	03/08/18	12	--	--	--	--	10	15	--	--	--	--
SB13@4'	SB13	03/08/18	4	--	--	--	--	11	220	5.9	<1.0	<0.5	--
SB14@4'	SB14	03/08/18	4	--	--	--	--	6.1	4.8	1.3	<1.0	<0.5	--
SB15@4'	SB15	03/08/18	4	--	--	--	--	3.4	23	4.5	<1.0	<0.5	--
SB16@4'	SB16	03/08/18	4	--	--	--	--	14	40	6.2	<1.0	<0.5	--
SB17(4)	SB17	03/28/18	4	--	--	--	--	1.4	290	--	--	--	--
SB17(8)	SB17	03/28/18	8	--	--	--	--	<1.0	33	--	--	--	--
SB18(4)	SB18	03/28/18	4	--	--	--	--	<1.0	3.2	--	--	--	--
SB18(8)	SB18	03/28/18	8	--	--	--	--	<1.0	6.7	--	--	--	--
SB19(4)	SB19	03/28/18	4	--	--	--	--	17	850	--	--	--	--
SB19(8)	SB19	03/28/18	8	--	--	--	--	1.6	33	--	--	--	--
SB19A(8)	SB19	06/29/18	8	<20	<50		--	<1.0	34	--	--	--	--
SB19A(12)	SB19	06/29/18	12	<20	<50	0.0525	--	<1.0	4.1	--	--	--	--
SB20(4)	SB20	03/28/18	4	--	--	--	--	**22**	13	--	--	--	--
SB20(8)	SB20	03/28/18	8	--	--	--	--	1.9	18	--	--	--	--
SB21(4)	SB21	03/28/18	4	--	--	--	--	14	11	--	--	--	--
SB21(8)	SB21	03/28/18	8	--	--	--	--	3.8	24	--	--	--	--
SB22(4)	SB22	03/28/18	4	--	--	--	--	5.9	38	--	--	--	--
SB22(8)	SB22	03/28/18	8	--	--	--	--	4.7	9.2	--	--	--	--
SB23(4)	SB23	03/28/18	4	--	--	--	--	2.4	91	--	--	--	--
SB23(8)	SB23	03/28/18	8	--	--	--	--	1.3	7.6	--	--	--	--
SB24(4)	SB24	04/02/18	4	--	--	--	--	<1.0	2.7	--	--	--	--
SB24(8)	SB24	04/02/18	8	--	--	--	--	11	12	--	--	--	--
SB24A(12)	SB24	06/29/18	12	<20	<50	--	--	1.3	1.6	--	--	--	--
SB24A(16)	SB24	06/29/18	16	--	--	--	--	--	--	--	--	--	--
SB25(4)	SB25	04/02/18	4	--	--	--	--	2.0	4.3	--	--	--	--
SB25(8)	SB25	04/02/18	8	--	--	--	--	**27**	260	--	--	--	--
MTCA Method A Industrial Cleanup Levels				2,000	2,000	2	10	20	1,000	19	2	2	Varies

TABLE 1
SOIL ANALYTICAL RESULTS
Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Aerotech Environmental Consulting, Inc. - Site Charaterization Report - April 19, 2018 & July 20, 2018 (continued)

Sample ID	Soil Boring/Point Well ID	Sampling Date	Sample Depth	TPHd	TPHo	cPAHs	PCBs	Arsenic	Lead	Chromium	Cadmium	Mercury	VOCs
			Feet BGS	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg	mg/kg
SB25A(8)	SB25	06/29/18	8	<20	1,600	--	--	--	--	--	--	--	--
SB25A(12)	SB25	06/29/18	12	<20	1,600	0.924	--	**21**	**3,300**	--	--	--	--
SB25A(16)	SB25	06/29/18	16	--	--	0.0525	--	3.8	32	--	--	--	--
SB26(4)	SB26	04/02/18	4	--	--	--	--	4.3	470	--	--	--	--
SB26(8)	SB26	04/02/18	8	--	--	--	--	1.6	26	--	--	--	--
SB27(4)	SB27	04/02/18	4	--	--	--	--	**31**	170	--	--	--	--
SB27(8)	SB27	04/02/18	8	--	--	--	--	2.0	19	--	--	--	--
SB28(4)	SB28	04/02/18	4	--	--	--	--	<1.0	3.8	--	--	--	--
SB29(4)	SB29	06/29/18	4	--	--	--	--	<1.0	10	--	--	--	--
SB29(8)	SB29	06/29/18	8	--	--	--	--	2.8	2.2	--	--	--	--
SB29(12)	SB29	06/29/18	12	--	--	--	--	--	--	--	--	--	--
SB30(4)	SB30	06/29/18	4	--	--	--	--	2.1	30	--	--	--	--
SB30(8)	SB30	06/29/18	8	<20	<50	--	--	3.5	8.4	--	--	--	--
SB30(12)	SB30	06/29/18	12	<20	<50	0.0525	--	<1.0	2.4	--	--	--	--
SB30(16)	SB30	06/29/18	16	--	--	--	--	--	--	--	--	--	--
SB31(4)	SB31	06/29/18	4	<20	<50	--	--	**90**	19	--	--	--	--
SB31(8)	SB31	06/29/18	8	<20	<50	0.0525	--	**21**	21	--	--	--	--
SB31(12)	SB31	06/29/18	12	44	<50	0.0525	--	1.6	20	--	--	--	--
SB31(16)	SB31	06/29/18	16	<20	<50	--	--	--	--	--	--	--	--
SB32(4)	SB32	06/29/18	4	--	--	--	--	--	--	--	--	--	--
SB32(8)	SB32	06/29/18	8	--	--	--	--	--	--	--	--	--	--
SB32(12)	SB32	06/29/18	12	--	--	--	--	--	--	--	--	--	--
SB33(4)	SB33	06/29/18	4	--	--	--	--	--	--	--	--	--	--
SB33(8)	SB33	06/29/18	8	--	--	--	--	--	--	--	--	--	--
SB33(12)	SB33	06/29/18	12	--	--	--	--	--	--	--	--	--	--
MTCA Method A Industrial Cleanup Levels				2,000	2,000	2	10	20	1,000	19	2	2	Varies

MTCA = Model Toxic Control Act Cleanup Level (WAC173-340-900)
BGS = Below Ground Surface mg/kg = milligram of analyte per kilogram of soil
< = not detected at indicated Laboratory Detection Limits -- = not analyzed
Arsenic, Cadmium, Chromium and Lead by EPA Method 7010
Mercury by EPA Method 7471
cPAHs = Carcenogenic Polycyclic Aromatic Hydrocarbons by 8270C or 8270 SIM
PCBs by EPA Method 8082
VOCs by EPA Method 8260B
ND = Not Detected (minimum detection limit unknown)
Bolded numbers and red-shaded cells denote concentrations above the MTCA Method A Cleanup Levels for soil
cPAHs results were calculated using the toxic equivalent concentration factors from Table 708-1 and adding them together for each sample
For samples where no cPAHs were detected, 1/2 of the reporting limit was used to calculate the result value

TABLE 2
GROUNDWATER ANALYTICAL RESULTS

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington 98422

MW1

Well Depth	Sampling Date	Ground Water Level	Elevation (TOC north)*	Water Level Elevation	TPHd	TPHo	Benzene	Toluene	Ethyl-benzene	Xylenes	cPAHs	Dissolved Arsenic	Total Arsenic	Dissolved Lead	Total Lead	Total Dissolved Solids
Feet		Feet Below TOC	Feet Above MSL	Feet Above MSL	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	mg/L
18.5	04/11/18	2.41	11.75	9.34	--	--	--	--	--	--	--	<2.0	3.0	<2.0	<2.0	--
	07/13/18	5.01	11.75	6.74	--	--	--	--	--	--	--	<2.0	3.0	<2.0	<2.0	--
	10/09/18	4.81	11.75	6.94	--	--	--	--	--	--	<0.1	<2.0	**8.0**	<2.0	<2.0	--
	01/10/19	2.42	11.75	9.33	--	--	--	--	--	--	--	<2.0	2.0	<2.0	<2.0	220
	MTCA Method A Cleanup Levels				500	500	5	1,000	700	1,000	0.1*	5	5	15	15	--

MW2

Well Depth	Sampling Date	Ground Water Level	Elevation (TOC north)*	Water Level Elevation	TPHd	TPHo	Benzene	Toluene	Ethylbenzene	Xylenes	cPAHs	Dissolved Arsenic	Total Arsenic	Dissolved Lead	Total Lead	Total Dissolved Solids
Feet		Feet Below TOC	Feet Above MSL	Feet Above MSL	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	mg/L
18.9	04/11/18	8.70	10.27	1.57	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	--
	07/13/18	9.35	10.27	0.92	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	--
	10/09/18	5.20	10.27	5.07	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	--
	01/10/19	3.29	10.27	6.98	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	20,000
	MTCA Method A Cleanup Levels				500	500	5	1,000	700	1,000	0.1*	5	5	15	15	--

MW3

Well Depth	Sampling Date	Ground Water Level	Elevation (TOC north)*	Water Level Elevation	TPHd	TPHo	Benzene	Toluene	Ethylbenzene	Xylenes	cPAHs	Dissolved Arsenic	Total Arsenic	Dissolved Lead	Total Lead	Total Dissolved Solids
Feet		Feet Below TOC	Feet Above MSL	Feet Above MSL	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	mg/L
19.3	04/11/18	9.00	10.72	1.72	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	--
	07/13/18	8.95	10.72	1.77	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	--
	10/09/18	5.57	10.72	5.15	--	--	--	--	--	--	<0.1	<2.0	<2.0	<2.0	<2.0	--
	01/10/19	3.98	10.72	6.74	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	20,000
	MTCA Method A Cleanup Levels				500	500	5	1,000	700	1,000	0.1*	5	5	15	15	--

MW4

Well Depth	Sampling Date	Ground Water Level	Elevation (TOC north)*	Water Level Elevation	TPHd	TPHo	Benzene	Toluene	Ethylbenzene	Xylenes	cPAHs	Dissolved Arsenic	Total Arsenic	Dissolved Lead	Total Lead	Total Dissolved Solids
Feet		Feet Below TOC	Feet Above MSL	Feet Above MSL	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	µg/L	mg/L
19.6	04/11/18	6.90	11.02	4.12	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	--
	07/13/18	7.10	11.02	3.92	<200	<500	<1.0	<1.0	<1.0	<1.0	<0.1	<2.0	<2.0	<2.0	<2.0	--
	10/09/18	7.79	11.02	3.23	<200	<500	--	--	--	--	<0.1	<2.0	<2.0	<2.0	<2.0	--
	01/10/19	5.30	11.02	5.72	--	--	--	--	--	--	--	<2.0	<2.0	<2.0	<2.0	11,000
	MTCA Method A Cleanup Levels				500	500	5	1,000	700	1,000	0.1*	5	5	15	15	--

EXPLANATION

MTCA = Model Toxic Control Act Cleanup Level (WAC173-340-900)

TOC = Top of Casing MSL = Mean Sea Level

< = not detected at indicated Laboratory Detection Limits -- not analyzed NM = Not Measured

TPHd - Total Petroleum Hydrocarbons as Diesel and TPHo - Total Petroleum Hydrocarbons as Oil by NWTPH-Dx extended

Benzene, Toluene, Ethylbenzene and Xylenes by EPA Method 8021B

* = Effective concentration using Toxic Equivalency Factor per WAC 173-340-708{e}: SUM(Benzo(a)pyrene (x1), Benzo(a)anthracine (x0.1), Benzo(b)fluoranthene (x0.1), Benzo(k)fluoranthene (x0.1), Chrysene (x0.01), Dibenz(a,h)anthracene (x0.1), Indeno(1,2,3-cd)pyrene (x0.1)

cPAHs by EPA Method 8270 SIM Arsenic and Lead by EPA Method 7010

Bolded numbers and red-shaded cells denote concentrations above the MTCA Method A Cleanup Levels for groundwater

Bolded numbers and gray-shaded cells denote total concentrations above the MTCA Method A Cleanup Levels for groundwater, but dissolved concentrations below the MTCA Method A Cleanup Levels

Appendix A

Environmental Covenant

AEROTECH ____
Environmental Consulting Inc.

14220 Interurban Avenue South, Suite 116
Tukwila, Washington 98168
(206) 482-2287

512 W. International Airport Road, Suite 201
Anchorage, Alaska 99518
(907) 575-6661

October 7, 2020

Christopher Maurer
State of Washington Department of Ecology
Ecology Headquarters Building
Toxics Cleanup Program
PO Box 47600
Olympia, Washington 98504-7600

SUBJECT **Draft Environmental Covenant**
Swindahl Properties LLC aka Modutech Marine Inc.
2218 Marine View Drive
Tacoma, Washington 98422
VCP Project No.: SW1653

Dear Mr. Maurer,

At the request of Carl Swindahl, Aerotech Environmental Consulting, Inc. ("Aerotech") has prepared the enclosed *Draft Environmental Covenant* which presents the requirements for the proposed administrative control for the Site.

Aerotech and Mr. Carl Swindahl appreciate your assistance in the matter. Please do not hesitate to contact me, at (425) 923-7468 with any questions.

Sincerely,

Justin Foslien
Senior Licensed Geologist

ENCLOSURE
Aerotech 's *Draft Environmental Covenant*, dated October 7, 2020

After Recording Return
Original Signed Covenant to:
Christopher Maurer
Toxics Cleanup Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

NOTE: This Covenant is not valid without Ecology's approval and signature.

Environmental Covenant

(For MTCA Sites – August 20, 2015 Version)

Grantor: Swindahl Properties LLC
Grantee: State of Washington, Department of Ecology (hereafter "Ecology")
Brief Legal Description: Section 26 Township 21 Range 03 Quarter 44 : COM AT SE COR OF GOVT LOT 11 OF SEC TH N 400 FT TH S 45 DEG 22 MIN 22 SEC W 450.27 FT TO NELY BDRY LI OF HYLEBOS WW TH N 48 DEG 18 MIN 36 SEC W ALG SD NELY BDRY LI 279.13 FT TO POB TH CONT ALG SD BDRY LI N 48 DEG 18 MIN 36 SEC W 9.19 FT TO SLY COR OF PARCEL 2 AS REC UNDER AUD FEE # 1841496 TH N 33 DEG 40 MIN 14 SEC W 506.22 FT TO ELY R/W LI OF LINCOLN AVE AS EXT NELY FROM SLY SIDE OF HYLEBOS WW TH S 42 DEG 48 MIN 45 SEC W ALG SD R/W 47.95 FT TO NLY BDRY LI OF HYLEBOS WW TH N 48 DEG 18 MIN 36 SEC W ALG SD WW BDRY LI 48.62 FT TO ELY R/W LI OF LINCOLN AVE CYD TO PIERCE CO UNDER AUD FEE # 465573 TH N 42 DEG 48 MIN 45 SEC E ALG SD R/W LI 342.13 FT TO SWLY COR OF A TR OF LD CYD TO CY OF TAC UNDER AUD FEE # 2382303 TH S 47 DEG 16 MIN 56 SEC E ALG SWLY LI OF SD TR 182.20 FT TH CONT ALG SD WLY LI S 51 DEG 48 MIN 36 SEC E 168 FT TO INTER SLY R/W LI OF MARINE VIEW DR TH S 48 DEG 18 MIN 36 SEC E ALG SD R/W 200.39 FT TH S 42 DEG 48 MIN 45 SEC W 430.08 FT TO POB SUBJ TO EASE SEG G 4985
Tax Parcel Nos.: 0321264056
Cross Reference:

RECITALS

a. This document is an environmental (restrictive) covenant (hereafter "Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70.105D RCW, and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW.

b. The Property that is the subject of this Covenant is part or all of a site commonly known as Modutech Marine Inc. Facility ID 1631646. The Property is legally described in Exhibit A, and illustrated in Exhibit B, both of which are attached (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.

c. The Property is the subject of remedial action conducted under MTCA. This Covenant is required because residual contamination remains on the Property after completion of remedial actions. Specifically, the following principal contaminants remain on the Property:

Medium	Principal Contaminants Present
Soil	Arsenic and Lead
Groundwater	Not Applicable
Surface Water/Sediment	Not Applicable

d. It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through Ecology.

Aerotech Environmental Consulting, Inc ("Aerotech"). February 26, 2018. *Phase I Environmental Site*. Swindahl Properties LLC. 2218 Marine View Drive Tacoma, Washington 98422.

Aerotech. April 19, 2018. *Site Characterization Report*. Swindahl Properties LLC. 2218 Marine View Drive Tacoma, Washington 98422.

Aerotech. July 20, 2018. *Additional Site Characterization Report*. Swindahl Properties LLC. 2218 Marine View Drive Tacoma, Washington 98422.

Aerotech. September 26, 2019. *Remedial Investigation Report*. Swindahl Properties LLC. aka Modutech Marine Inc. 2218 Marine View Drive Tacoma, Washington 98422.

e. This Covenant grants Ecology certain rights under UECA and as specified in this Covenant. As a Holder of this Covenant under UECA, Ecology has an interest in real property, however, this is not an ownership interest which equates to liability under MTCA or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq*. The rights of Ecology as an "agency" under UECA, other than its' right as a holder, are not an interest in real property.

COVENANT

Swindahl Properties LLC as Grantor [1] owner of the Property hereby grants to the Washington State Department of Ecology, and its successors and assignees, the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall supersede any prior interests the GRANTOR has in the property and run with the land and be binding on all current and future owners of any portion of, or interest in, the Property.

Section 1. General Restrictions and Requirements.

The following general restrictions and requirements shall apply to the Property:

a. Interference with Remedial Action. The Grantor shall not engage in any activity on the Property that may impact or interfere with the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from Ecology.

b. Protection of Human Health and the Environment. The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not limited to, any activity that results in the release of residual contamination that was contained as a part of the

[1] If there is more than one Grantor, use the term "Grantors" here and throughout this document.

remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Property.

c. Continued Compliance Required. Grantor shall not convey any interest in any portion of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.

d. Leases. Grantor shall restrict any lease for any portion of the Property to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.

e. Preservation of Reference Monuments. Grantor shall make a good faith effort to preserve any reference monuments and boundary markers used to define the areal extent of coverage of this Covenant. Should a monument or marker be damaged or destroyed, Grantor shall have it replaced by a licensed professional surveyor within 30 days of discovery of the damage or destruction.

Section 2. Specific Prohibitions and Requirements.

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

a. Land use.

The remedial action for the Property is based on a cleanup designed for industrial property. As such, the Property shall be used in perpetuity only for industrial uses, as that term is defined in the rules promulgated under Chapter 70.105D RCW. Prohibited uses on the Property include but are not limited to residential uses, childcare facilities, K-12 public or private schools, parks, grazing of animals, growing of food crops, and non-industrial commercial uses.

b. Containment of soil.

The Grantors shall not alter or remove the existing structures or surface material on the Property in any manner that would expose contaminated soil, result in a release to the environment of contaminants, or create a new exposure pathway, without prior written approval of Ecology. Should the Grantors propose to remove all or a portion of the existing structures or surface material illustrated in Exhibit B so that access to the underlying contamination is feasible, Ecology may require treatment or removal of the underlying contaminated soil.

Section 3. Access.

a. The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.

b. The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.

c. No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

Section 4. Notice Requirements.

a. Conveyance of Any Interest. The Grantor, when conveying any interest within the area of the property described and illustrated in Exhibits B and C, including but not limited to title, easement, leases, and security or other interests, must:

i. Provide written notice to Ecology of the intended conveyance at least thirty (30) days in advance of the conveyance.

ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [DATE] AND RECORDED WITH THE PIERCE COUNTY AUDITOR UNDER RECORDING NUMBER [RECORDING NUMBER]. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.

iii. Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

b. Reporting Violations. Should the Grantor become aware of any violation of this Covenant, Grantor shall promptly report such violation in writing to Ecology.

c. Emergencies. For any emergency or significant change in site conditions due to Acts of Nature (for example, flood or fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor must notify Ecology in writing of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

d. Notification procedure. Any required written notice, approval, reporting or other communication shall be personally delivered or sent by first class mail to the following persons. Any change in this contact information shall be submitted in writing to all parties to this Covenant. Upon mutual agreement of the parties to this Covenant, an alternative to personal delivery or first class mail, such as e-mail or other electronic means, may be used for these communications.

Swindahl Properties LLC 2218 Marine View Drive Tacoma, WA 98422-4111	Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program P.O. Box 47600 Olympia, WA 98504 – 7600 (360) 407-6000 ToxicsCleanupProgramHQ@ecy.wa.gov

Section 5. Modification or Termination.

a. Grantor must provide written notice and obtain approval from Ecology at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. For any proposal that is inconsistent with this Covenant and permanently modifies an activity or use restriction at the site:

i. Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal; and

ii. If Ecology approves of the proposal, the Covenant must be amended to reflect the change before the activity or use can proceed.

b. If the conditions at the site requiring a Covenant have changed or no longer exist, then the Grantor may submit a request to Ecology that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in MTCA and UECA and any rules promulgated under these chapters.

c. By signing this agreement, per RCW 64.70.100, the original signatories to this agreement, other than Ecology, agree to waive all rights to sign amendments to and termination of this Covenant.

Section 6. Enforcement and Construction.

a. This Covenant is being freely and voluntarily granted by the Grantor.

b. Within ten (10) days of execution of this Covenant, Grantor shall provide Ecology with an original signed Covenant and proof of recording and a copy of the Covenant and proof of recording to others required by RCW 64.70.070.

c. Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including MTCA and UECA. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.

d. The Grantor shall be responsible for all costs associated with implementation of this Covenant. Furthermore, the Grantor, upon request by Ecology, shall be obligated to pay for Ecology's costs to process a request for any modification or termination of this Covenant and any approval required by this Covenant.

e. This Covenant shall be liberally construed to meet the intent of MTCA and UECA.

f. The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to any person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstance is not affected and shall continue in full force and effect as though such void provision had not been contained herein.

g. A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

The undersigned Grantor warrants he/she holds the title Property and has authority to execute this Covenant.

EXECUTED this _____ day of _____, 20___.

_____ [SIGNATURE] _____

by: _____ [PRINTED NAME] _____

Title: _____

CORPORATE ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the _____ of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for said corporation.

_____
Notary Public in and for the State of Washington[5]

Residing at _____

My appointment expires _____

The Department of Ecology**,** hereby accepts the status as GRANTEE and HOLDER of the above Environmental Covenant.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

_____ [SIGNATURE] _____

by: _____ [PRINTED NAME] _____

Title: _____

Dated: _____

STATE ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the _____ 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 state agency.

_____
Notary Public in and for the State of Washington

Residing at _____

My appointment expires _____

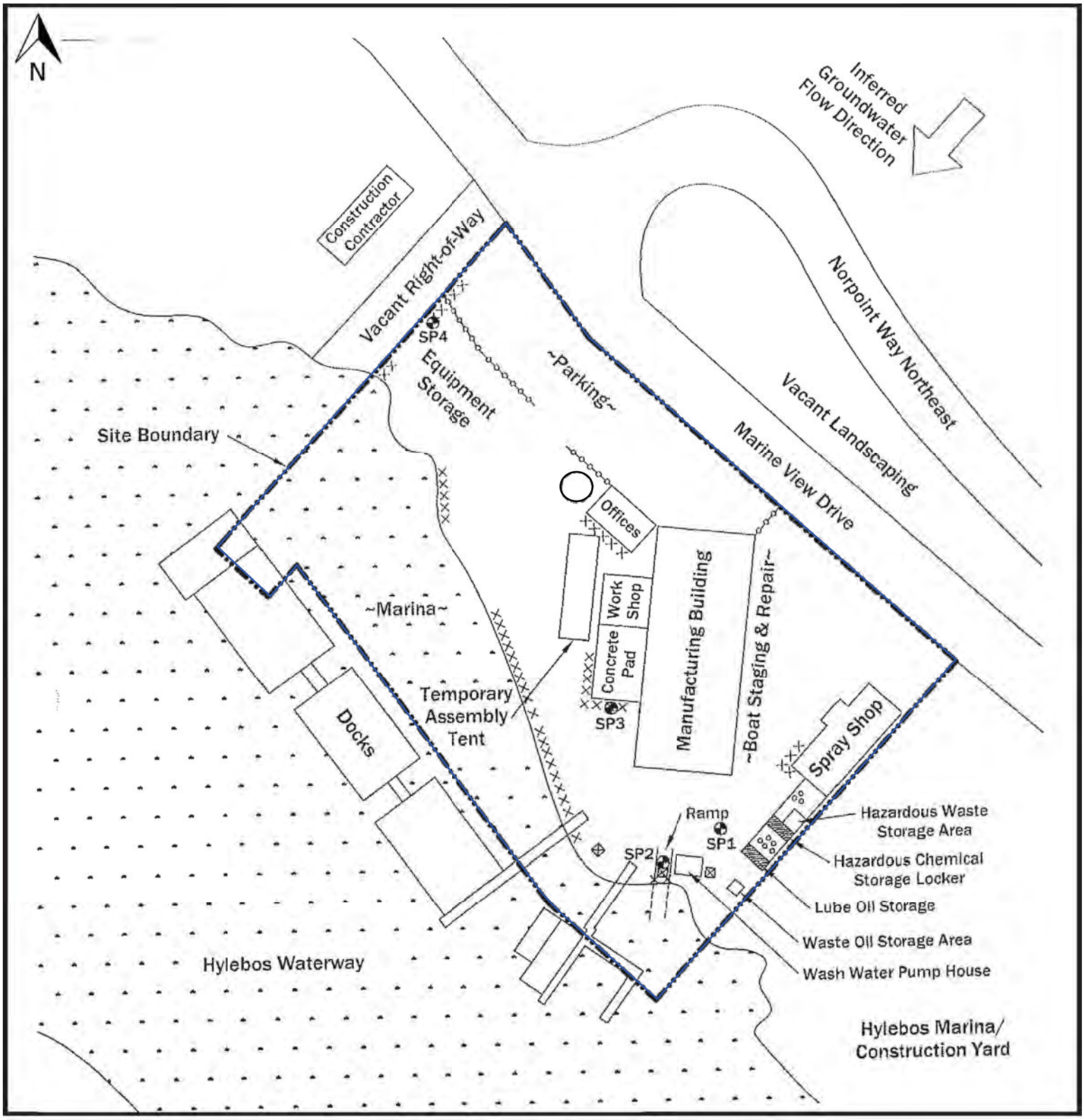
Exhibit A

LEGAL DESCRIPTION

Section 26 Township 21 Range 03 Quarter 44 : COM AT SE COR OF GOVT LOT 11 OF SEC TH N 400 FT TH S 45 DEG 22 MIN 22 SEC W 450.27 FT TO NELY BDRY LI OF HYLEBOS WW TH N 48 DEG 18 MIN 36 SEC W ALG SD NELY BDRY LI 279.13 FT TO POB TH CONT ALG SD BDRY LI N 48 DEG 18 MIN 36 SEC W 9.19 FT TO SLY COR OF PARCEL 2 AS REC UNDER AUD FEE # 1841496 TH N 33 DEG 40 MIN 14 SEC W 506.22 FT TO ELY R/W LI OF LINCOLN AVE AS EXT NELY FROM SLY SIDE OF HYLEBOS WW TH S 42 DEG 48 MIN 45 SEC W ALG SD R/W 47.95 FT TO NLY BDRY LI OF HYLEBOS WW TH N 48 DEG 18 MIN 36 SEC W ALG SD WW BDRY LI 48.62 FT TO ELY R/W LI OF LINCOLN AVE CYD TO PIERCE CO UNDER AUD FEE # 465573 TH N 42 DEG 48 MIN 45 SEC E ALG SD R/W LI 342.13 FT TO SWLY COR OF A TR OF LD CYD TO CY OF TAC UNDER AUD FEE # 2382303 TH S 47 DEG 16 MIN 56 SEC E ALG SWLY LI OF SD TR 182.20 FT TH CONT ALG SD WLY LI S 51 DEG 48 MIN 36 SEC E 168 FT TO INTER SLY R/W LI OF MARINE VIEW DR TH S 48 DEG 18 MIN 36 SEC E ALG SD R/W 200.39 FT TH S 42 DEG 48 MIN 45 SEC W 430.08 FT TO POB SUBJ TO EASE SEG G 4985

Exhibit B

PROPERTY MAP



EXPLANATION

SP4 — Approximate Boring Location by Riley - 10/21/09

XXX — Approximate Location of Suspect Fill Areas

Wash Water Catch Basin

Approximate Location of Former Septic Tank

Drum

Map utilized from "Figure 2 - Site and Surrounding Area" *Focused Phase II Investigation* (Riley, 2009)

0 25 50 100
SCALE (feet)

AEROTECH ENVIRONMENTAL CONSULTING

SITE VICINITY MAP

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 09/04/19
By: Justin Foslien
Exhibit: B

Exhibit C

MAP ILLUSTRATING LOCATION OF RESTRICTIONS

EXPLANATION

0 25 50 100
SCALE (feet)

Soil Above MTCA Method A Cleanup Level

SB28 Soil Boring Location

MW4 Groundwater Monitoring Well

Concrete Shoreline Fill

Property Line

Outline of Cap

Green numbers and symbols indicate concentrations below the MTCA Method A Cleanup Levels

Red numbers and symbols indicate concentrations above the MTCA Method A Cleanup Levels

Blue numbers and symbols indicate a samples were collected for lateral delineation however existing data from surrounding boring(s) deemed analyses not necessary

AEROTECH ENVIRONMENTAL CONSULTING

REMAINING SOIL ABOVE MTCA METHOD A

Swindahl Properties LLC
2218 Marine View Drive
Tacoma, Washington

Date: 10/06/20
By: Nick Gerkin
Exhibit: C

Cap Monitoring Documentation

Photo No:	Date:	Time: 24hr	Direction of Camera:	Description of Photo:
Example: 001	05/18/21	0920	Northwest	Looking toward the canopy NW of MW4 and surficial fill; no changes appear to have occurred since previous cap inspection.

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Appendix B

Operations & Maintenance Plan

OPERATIONS & MAINTENANCE PLAN

Cap Monitoring Documentation

Photo No:	Date:	Time: 24hr	Direction of Camera:	Description of Photo:
Example: 001	05/18/21	0920	Northwest	Looking toward the canopy NW of MW4 and surficial fill; no changes appear to have occurred since previous cap inspection.