

ENVIRONMENTAL ASSOCIATES, INC.

1380 - 112th Avenue Northeast, Suite 300
Bellevue, Washington 98004
(425) 455-9025 Office
(888) 453-5394 Toll Free
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RECEIVED
OCT 27 2006
DEPT OF ECOLOGY

March 6, 2006

JN-8125-6

Mr. Ronald W. Timm
Toxics Cleanup Program
Washington State Department of Ecology - NW Region
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

RE: PROPOSED WORK PLAN
Site Redevelopment
Marine Fluid Systems Property
801 NW 42nd Street
Seattle, Washington

Dear Mr. Timm:

In 2000, Environmental Associated Inc. (EAI) assisted Ballard Land Management with the application for and the receipt of a determination of "no further action" (NFA) on the above referenced property. A copy of the NFA documents are included for your reference (Attachment-A).

As a required condition for receiving the NFA, the WDOE required Ballard Land Management to file a restrictive covenant on the subject property to manage soil impacted by diesel, heavy oil, PCBs, PAHs, and metals. Sections 1, 2, and 3 of that covenant prohibit activities that may disturb the impacted soil without prior approval from the WDOE. Additionally, sections 4 and 6 require that the WDOE be notified of any changes in site usage.

Current proposed plans include the demolition and removal of several of the buildings on the subject property to facilitate the construction of a new 2-story, 37,785 square foot warehouse/office building. The following draft work plan outlines EAI's recommendations to the general contractor as to what actions may be warranted to minimize public and site worker exposure to the known environmental impairments of the property during the planned site redevelopment. On behalf of the property owner, EAI requests your timely review and approval of this draft work plan.



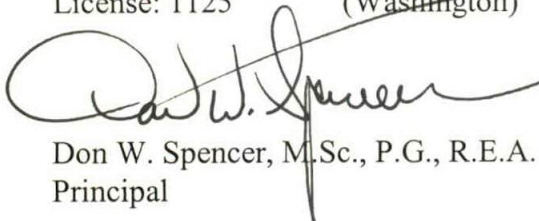
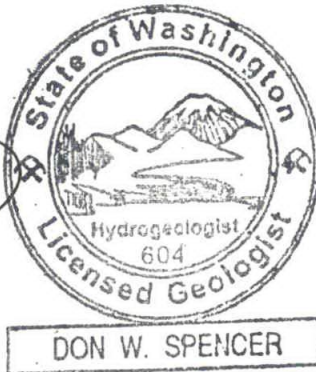
Thank you for your assistance with this project. If you have any questions or we may be of additional service, please do not hesitate to contact us.

Respectfully submitted,
ENVIRONMENTAL ASSOCIATES, INC.

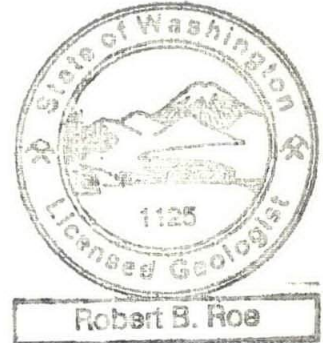


Robert B. Roe, M.Sc. P.G.
Project Manager/Hydrogeologist

License: 1125 (Washington)



Don W. Spencer, M.Sc., P.G., R.E.A.
Principal



Registered Site Assessor/Licensed UST Supervisor
State Certification #0878545-U7

License: 604 (Washington)
License: 11464 (Oregon)
License: 876 (California)
License: 5195 (Illinois)
License: 0327 (Mississippi)

Attachments:

Appendix-A: NFA & Restrictive Covenant Documents
Plate 1 Vicinity/Topographic Map
Plate 2 Site Redevelopment Plan
Plate 3 Diesel & Oil TPH in Shallow Soil
Plate 4 PCBs in Shallow Soil
Plate 5 Carcinogenic PAHs in Shallow Soil
Plate 6 Arsenic & Lead in Shallow Soil

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BACKGROUND

Site Location & Setting

The subject property consists of a single irregular-shaped parcel (King County tax parcel number 1325039001) covering approximately 110,533 square feet (2.54 acres) land located along the north shore of the Lake Washington Ship Canal in a mixed industrial and commercial area in the "Ballard" district of Seattle, Washington, as shown on the Vicinity/Topographic Map, Plate 1. Approximately 10,590 square feet of the parcel are inundated by the Lake Washington Ship Canal. The site is developed with several buildings as shown on Plate 2 (Proposed Redevelopment Plan). According to the Seattle Department of Planning and Development (DPD), the subject property is zoned for industrial use

A brief description of land use on nearby parcels is provided below:

- North:** The site is bordered on the north by Northwest 42nd Street and a portion of an office/shop building (currently owned by Ferguson Properties, LLC; and formerly operated by Salmon Bay Steel/Birmingham Steel Ballard Mill, a former manufacturer of rolled steel and re-bar). "Fred Meyer" has redeveloped the remainder of the former Salmon Bay Steel/Birmingham Steel property farther to the north with a large retail store and parking area. A large industrial building located across Northwest 42nd Street from the subject site is presently occupied by "Cully" (fasteners, anchors, and tool sales) and "Consolidated Supply Co.".
- East:** Trident Seafoods currently occupies the property adjacent to the southeast of the subject site. Salmon Bay Sand and Gravel has a small storage yard and ecology block pouring area (using waste concrete) nearby to the east of the northeastern portion of the property.
- South:** Located to the south of the subject site is the Lake Washington Ship Canal and a portion of the Trident Seafoods property.
- West:** The Lake Washington Ship Canal is located to the west of the site.

Site History

The subject property has been used for a variety of industrial uses since the mid 1920s, most of which have been related to shipbuilding and other marine industries. Previous environmental studies performed by EAI and others in the 1990s and early 2000 culminated into receiving a conditional determination of "no further action" (NFA) from the WDOE in February 2000. Because contaminants remained in shallow soil, the WDOE required that a restrictive covenant be filed for the subject property.

As discussed previously, the terms and conditions of the restrictive covenant require notification and approval from the WDOE for any changes in land use that may effect exposure to the residual contaminants.

PROPOSED REDEVELOPMENT

General Overview

The property owner has selected SGA Corporation as the general contractor for the proposed site redevelopment. Documents provided to EAI from SGA suggest that the proposed redevelopment will include the demolition and removal of three of the existing buildings identified as Buildings A, B, and C on the attached Plate 2, Site Redevelopment Plan. Some smaller sheds and building overhangs will also be removed or moved.

The proposed demolition is intended to make way for the construction of a new 37,785 square foot, 2-story, "L" shaped, concrete tilt-up, warehouse/office building to be situated at the approximate location depicted on Plate 2, attached. The proposed site redevelopment plan also includes improvements for on-grade parking (33-spaces).

Anticipated Earthwork

Earthwork for the proposed site redevelopment will likely be limited to grading for building placement and associated parking lot improvements, minimal excavation for building foundations and footings for traditional concrete-tilt up with slab on grade construction, and some utility trenching.

CONTAMINANTS OF POTENTIAL CONCERN

Soil sampling and laboratory testing by EAI and others has documented the presence of diesel and heavy oil range petroleum hydrocarbons, carcinogenic polynuclear aromatic hydrocarbons (cPAHs), PCBs, and metals (arsenic and lead) in shallow soil at the subject property. In most locations, contaminants appear to be present in the near surface soil and do not appear to significantly extend below a depth of approximately 5 feet. Each of these contaminants is further discussed below and Plates 3 through 6 depict approximate sampling locations historically tested for these contaminants.

Diesel and Oil Range Petroleum Hydrocarbons

Of 14 soil samples laboratory tested, nine (9) contained diesel at concentrations less than the current 2,000 parts per million (ppm) WDOE Method-A target compliance level. At the time of the original NFA determination the cleanup level for diesel in soil was only 200 ppm. The detected concentrations of diesel ranged between 49 ppm to 1,600 ppm.

Heavy oil was also detected nine (9) of the soil samples, only one of which at a concentration of 2,440 ppm exceeded the current 2,000 ppm target compliance level. The remaining detected concentrations of heavy oil ranged between 220 ppm to 1,700 ppm. As with diesel, the former WDOE target compliance level for heavy oil in effect at the time of the NFA was 200 ppm. As depicted by a "red dot" on Plate 3, Diesel and Oil in Shallow Soil, the sample location where heavy oil was detected at a concentration greater than 2,000 ppm was on the south side of the property, which is not anticipated to be disturbed during the proposed site redevelopment.

PCBs

Two (2) of three (3) soil samples analyzed for PCBs contained trace concentrations of Aroclor 1254 and Aroclor 1260. Total PCBs in both samples were below the WDOE's 1 ppm Method-A target compliance level.

Carcinogenic PAHs

Five (5) soil samples had been analyzed for polynuclear aromatic hydrocarbons (PAHs). Two of the samples were found to contain total carcinogenic PAHs (adjusted by toxicity equivalent fractions) above the WDOE's Method-A target compliance level of 0.1 ppm but below the WDOE target level of 2 ppm for industrial soil.

Metals (Arsenic & Lead)

Detectable arsenic and lead concentrations in soil samples analyzed to date have ranged between 1.37 ppm to 157 ppm (arsenic) and 0.98 to 357 ppm (lead). Soil samples from four locations, depicted with "red dots" on Plate 6, contained arsenic and/or lead at concentrations above the WDOE's Method-A target compliance level of 20 ppm for arsenic and 250 ppm for lead.

PROPOSED CONTAMINANT EXPOSURE MITIGATING MEASURES

EAI proposed the following actions to be implemented by the general contractor and subcontractors to minimize contaminant exposure to site workers and the public at large.

Worker Health and Safety Training

EAI recommends that all site work by the general contractor and subcontractors occur under the scope of a master health and safety plan. Elements of the health and safety plan will include hazard communication, worker training, personal protective equipment, personnel and equipment decontamination, dust control, etc.

In general EAI anticipates that the over all low levels and non-volatile nature of the contaminants will allow a minimal level of HAZWOPER training (i.e. 24-hour Limited Site Worker) and Level-D personal protective equipment for most site workers. EAI will recommend that site supervisors be HAZWOPER 40-hour trained. Additionally, EAI will likely recommend that some workers such as trench workers or others that may spend prolonged periods of time in direct contact with the site soil wear Tyvek coveralls (Level-C).

Public Exposure & Access Control

To minimize access by the public, the work area will be secured with a temporary perimeter fence and gate. All visitors to the job site will be required to check in with the general contractor or their appointed representative. Visitors that do not meet the site health and safety training requirements will be excluded from areas of the work zone where soils are exposed.

Acknowledging the non-volatile nature of the contaminants of interest at this site, EAI does not currently anticipate the need for perimeter air monitoring.

Sediment & Surface-Water Runoff Control

The following steps are proposed to minimize mobilization of contaminants by way of sedimentation and surface water runoff.

A silt fence will be constructed around the perimeter of the work area. Storm drain catch-basins will similarly be equipped with temporary catch-basin filters ("dirt-traps"). EAI will recommend that grading site preparation activities be designed to prevent surface water runoff from leaving the work zone. The use of petroleum absorbent pads, booms, and/or catch-basin inserts will also be implemented on an as needed basis to minimize impacts from surface water runoff. Similar provisions will likely be required by the City of Seattle in their permitting process.

EXCAVATED SOIL DISPOSAL

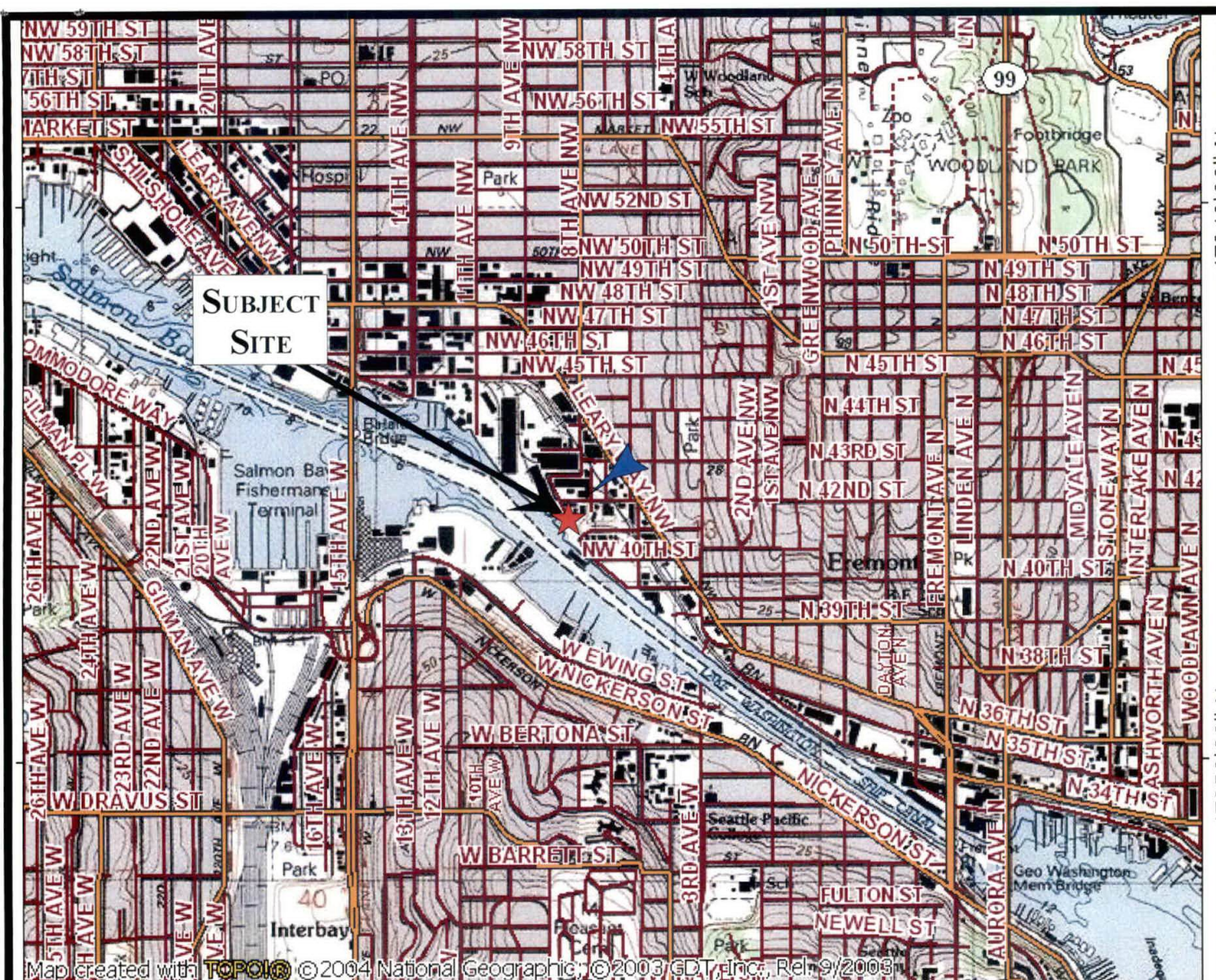
EAI anticipates that the earthwork required to facilitate the new construction may involve the off-site disposal of a limited volume of soil. The exact volume of soil is unknown. EAI simply proposes that all excavated soil will be temporarily stockpiled on the subject site, pending characterization for either reuse on-site or off-site disposal at an appropriately permitted treatment/disposal facility. All stockpiled soil will be placed on and covered with plastic sheeting.

Representative samples will be collected from all stockpiled soil and analyzed for petroleum hydrocarbons (gasoline, BTEX, diesel, and heavy oil), PCBs, PAHs, and metals (primarily arsenic and lead), and any other analysis that may be required by the selected treatment/disposal facility.

MONITORING WELL ABANDONMENT

The WDOE's September 21, 2000 NFA followup letter acknowledged that the four (4) existing groundwater monitoring wells can be abandoned in accordance with Washington States' Minimum Standards for Construction and Maintenance of Wells (WAC-173-160). It is EAI's understanding that these monitoring wells still exist.

Monitoring wells often become damaged by site construction activities. Acknowledging that the wells are no longer required, EAI simply recommends that the property owner properly abandon all four (4) on-site monitoring wells prior to the start of redevelopment activities. This recommendation is especially relevant in the case of MW-1 which may lie within the "footprint" of the new proposed building.



LEGEND:



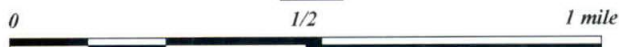
Approximate Site Location



Inferred Direction Of Shallow-Seated Groundwater Flow



Scale



Contour Interval: 5 Meters



**ENVIRONMENTAL
ASSOCIATES, INC.**

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Bellevue, Washington 98004

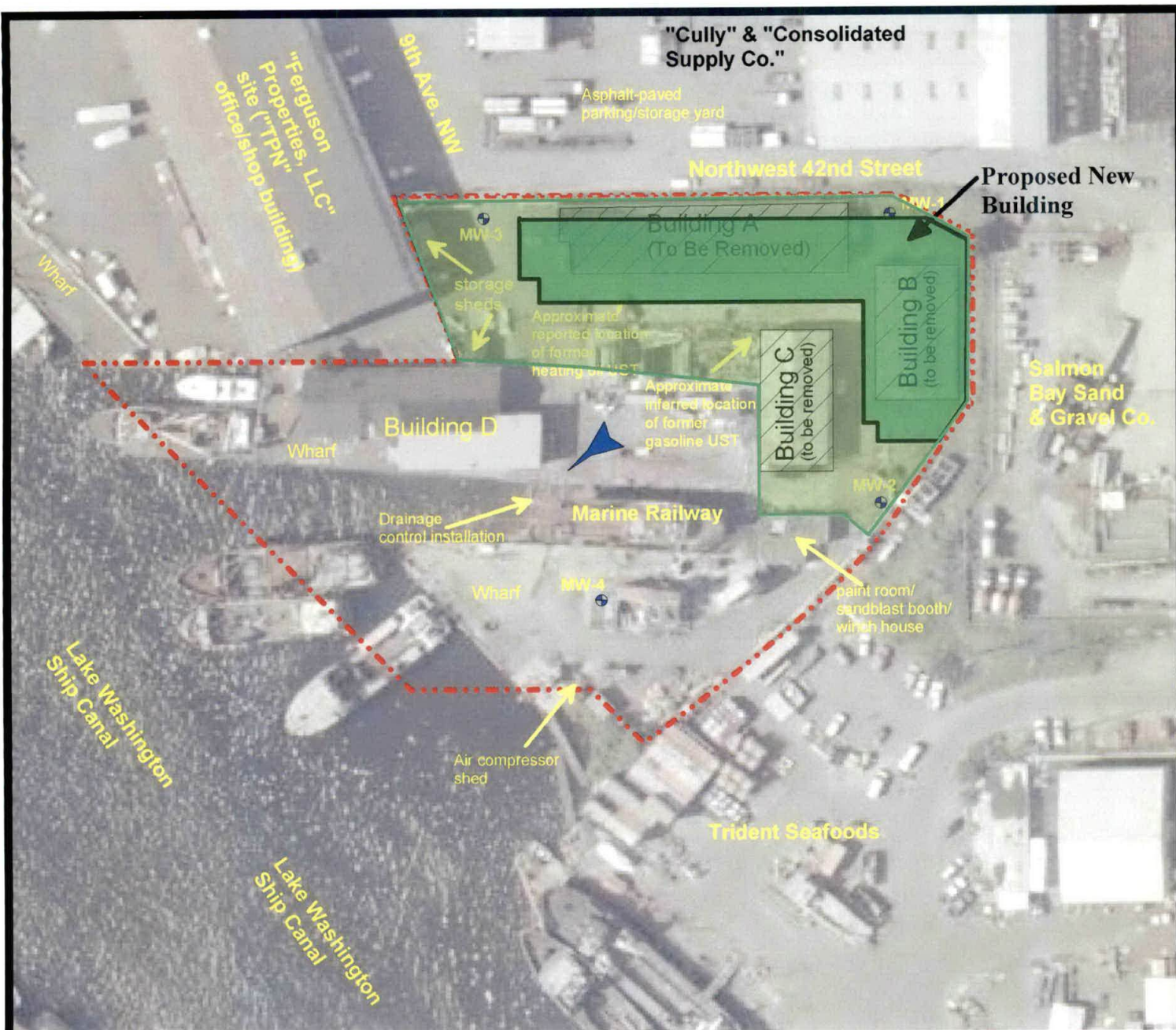
VICINITY/TOPOGRAPHIC MAP

Marine Fluid Systems Property
801 Northwest 42nd Street
Seattle, Washington

Job Number:
JN 8125-6





Date:
February 2006

Plate:
1



2002-Dated Image (Source: U.S. Geological Survey)

LEGEND:

-  Direction of shallow-seated groundwater flow beneath subject property measured by EAI (EAI, 2000).
-  Approximate locations of four (4) existing/former on-site groundwater monitoring wells installed by EAI in 1998.
-  Approximate limits of subject property.
-  Area of the subject property to be disturbed during proposed site redevelopment.



ENVIRONMENTAL ASSOCIATES, INC.

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Bellevue, Washington 98004

PROPOSED REDEVELOPMENT PLAN

Marine Fluid Systems Property
801 Northwest 42nd Street
Seattle, Washington

Job Number:

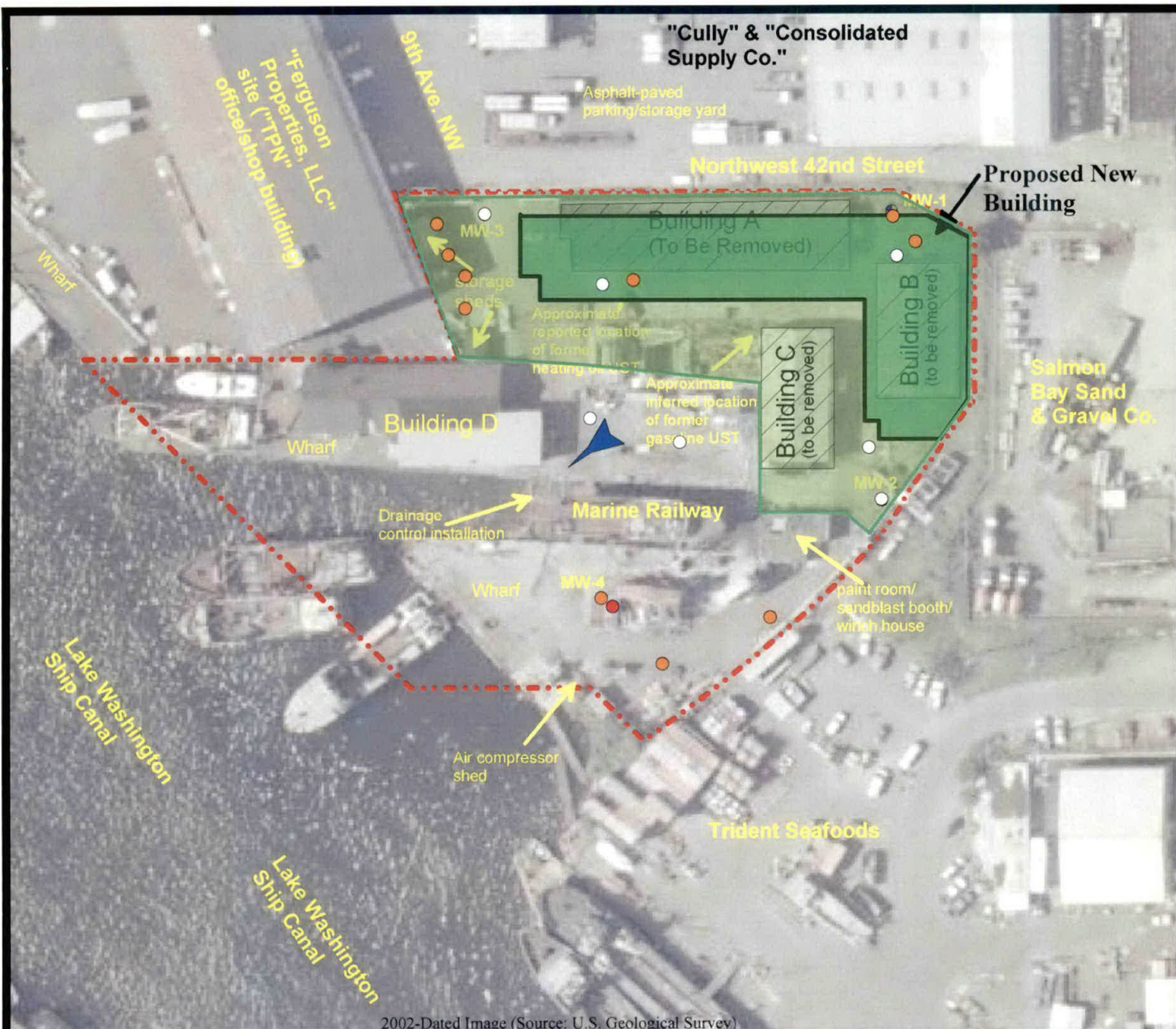
JN 8125-6

Date:








February 2006

Plate:

2



LEGEND:

-  Direction of shallow-seated groundwater flow beneath subject property measured by EAI (EAI, 2000).
-  Approximate locations of four (4) existing/former on-site groundwater monitoring wells installed by EAI in 1998.
-  Approximate limits of subject property.
-  Area of the subject property to be disturbed during proposed site redevelopment.
-  Diesel & oil range TPH not detected in shallow soil (upper 5 feet).
-  Diesel & oil range TPH detected in shallow soil (upper 5 feet) at concentrations less than 2,000 ppm.
-  Diesel & oil range TPH detected in shallow soil (upper 5 feet) at concentrations greater than 2,000 ppm



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Bellevue, Washington 98004

Diesel & Oil TPH in Shallow Soil

Marine Fluid Systems Property
801 Northwest 42nd Street
Seattle, Washington

Job Number:

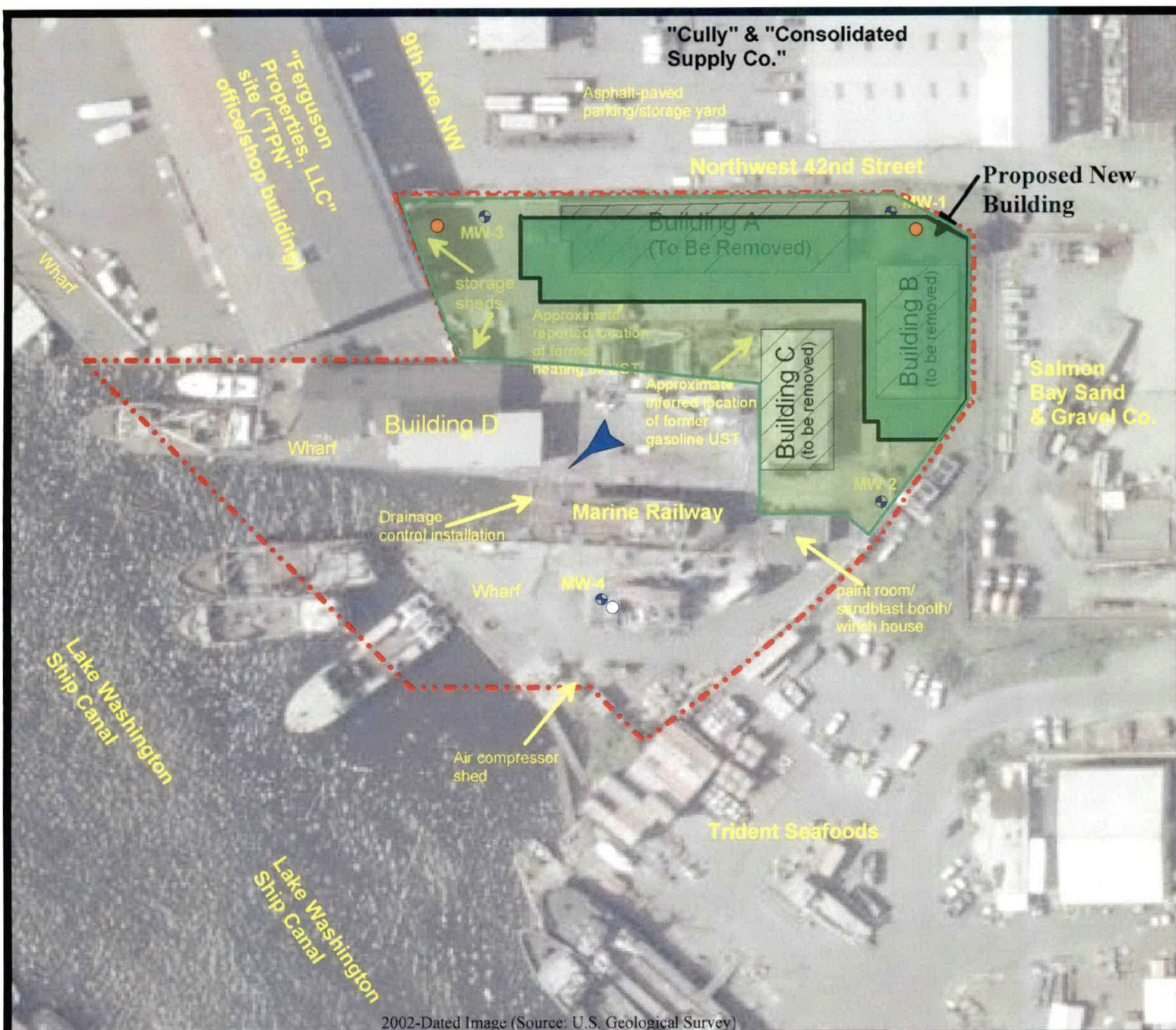
JN 8125-6

Date:








February 2006

Plate:

3



LEGEND:

-  Direction of shallow-seated groundwater flow beneath subject property measured by EAI (EAI, 2000).
-  Approximate locations of four (4) existing/former on-site groundwater monitoring wells installed by EAI in 1998.
-  Approximate limits of subject property.
-  Area of the subject property to be disturbed during proposed site redevelopment.
-  PCBs not detected in shallow soil (upper 5 feet).
-  PCBs detected in shallow soil (upper 5 feet) at concentrations less than 1 ppm.
-  PCBs detected in shallow soil (upper 5 feet) at concentrations greater than 1 ppm.



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Bellevue, Washington 98004

PCBs in Shallow Soil Marine Fluid Systems Property 801 Northwest 42nd Street Seattle, Washington

Job Number:

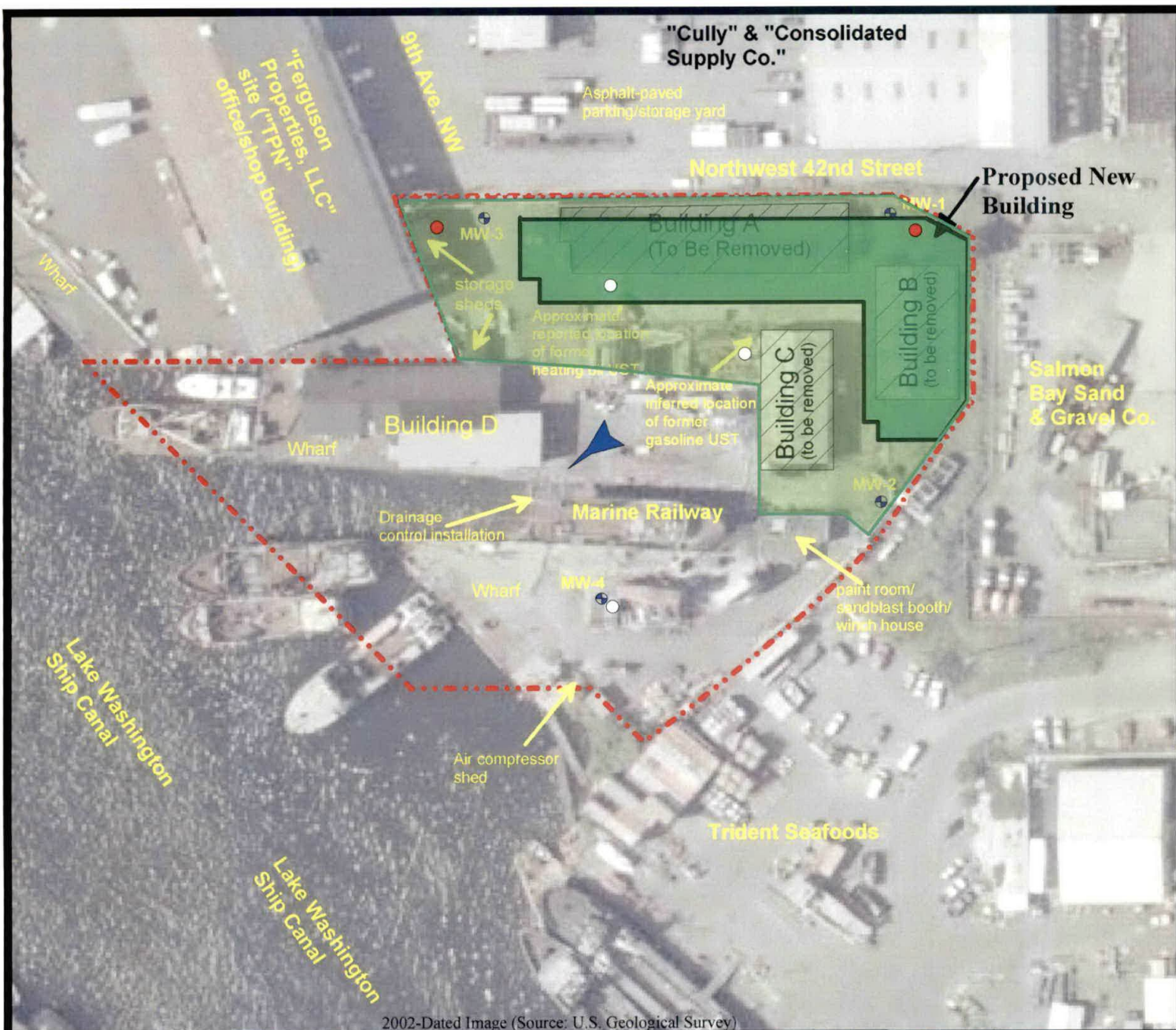
JN 8125-6

Date:

February 2006








Plate:

4



2002-Dated Image (Source: U.S. Geological Survey)

LEGEND:

-  Direction of shallow-seated groundwater flow beneath subject property measured by EAI (EAI, 2000).
-  Approximate locations of four (4) existing/former on-site groundwater monitoring wells installed by EAI in 1998.
-  Approximate limits of subject property.
-  Area of the subject property to be disturbed during proposed site redevelopment.
-  cPAHs not detected in shallow soil (upper 5 feet).
-  cPAHs detected in shallow soil (upper 5 feet) at concentrations less than 0.1 ppm.
-  cPAHs detected in shallow soil (upper 5 feet) at concentrations greater than 0.1 ppm but less than 2 ppm.



ENVIRONMENTAL ASSOCIATES, INC.

1380 - 112th Avenue N.E., Ste. 300
Bellevue, Washington 98004

Carcinogenic PAHs (cPAHs) in Shallow Soil

Marine Fluid Systems Property
801 Northwest 42nd Street
Seattle, Washington

Job Number:

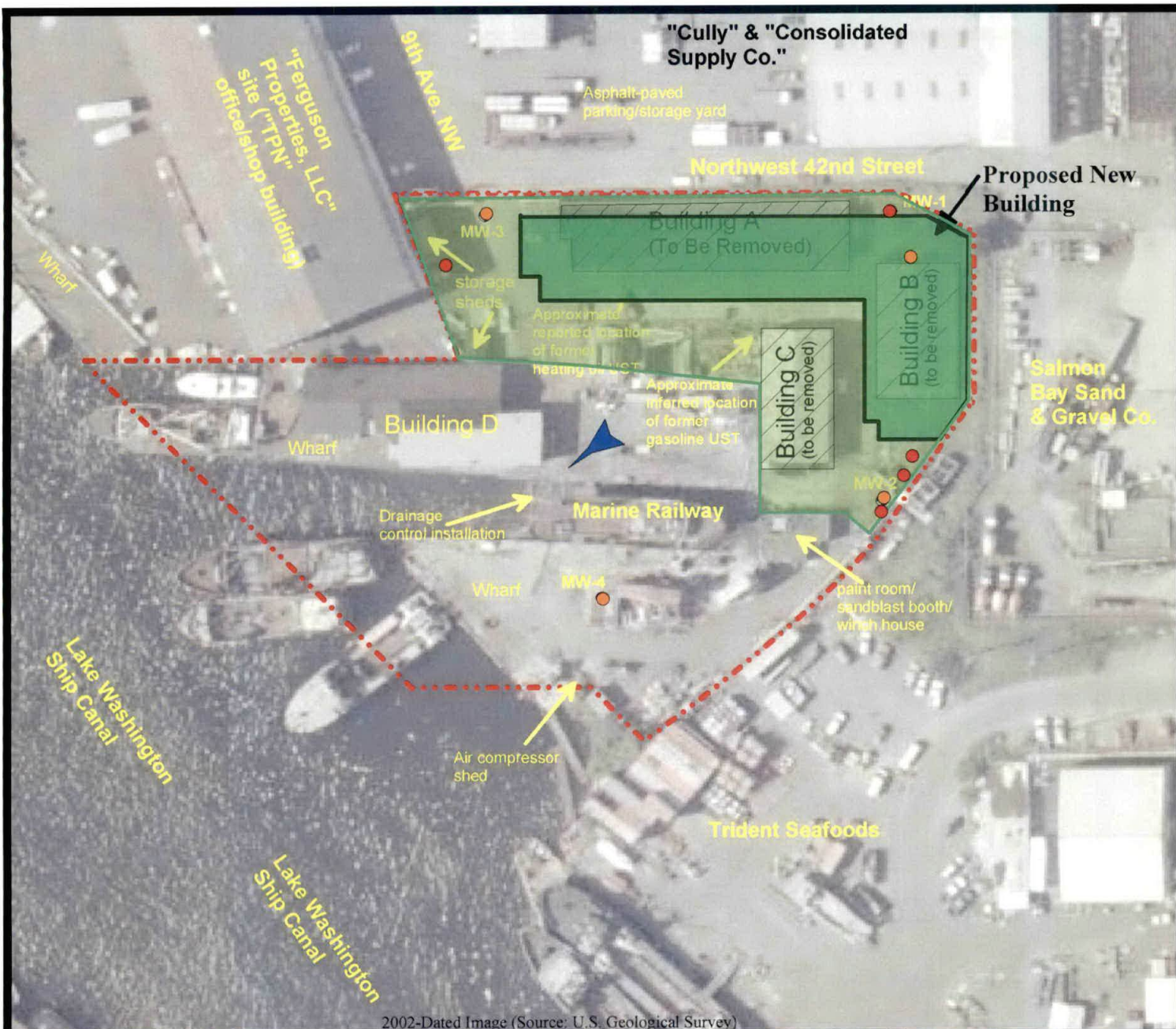
JN 8125-6

Date:

February 2006

Plate:

5



LEGEND:



Direction of shallow-seated groundwater flow beneath subject property measured by EAI (EAI, 2000).



Approximate locations of four (4) existing/former on-site groundwater monitoring wells installed by EAI in 1998.



Approximate limits of subject property.



Area of the subject property to be disturbed during proposed site redevelopment.

- Arsenic & Lead not detected in shallow soil (upper 5 feet).
- Arsenic & Lead detected in shallow soil (upper 5 feet) at concentrations less than 20 ppm (As) and/or 250 ppm (Pb).
- Arsenic &/or Lead detected in shallow soil (upper 5 feet) at concentrations greater than 20 ppm (As) and/or 250 ppm (Pb).



ENVIRONMENTAL ASSOCIATES, INC.

1380 - 112th Avenue N.E., Ste. 300
Bellevue, Washington 98004

Arsenic & Lead in Shallow Soil

Marine Fluid Systems Property
801 Northwest 42nd Street
Seattle, Washington

Job Number:

JN 8125-6

Date:

February 2006

Plate:

6

APPENDIX-A

NFA & Restrictive Covenant Documents



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3196 - 120th Ave. S.E. - Bellevue, Washington 98008-1522 - (206) 649-7000

February 3, 2000

Dana T. Bostwick
Ballard Land Management, LLC
30115 First Avenue East
Roy, WA 98580

Dear Mr. Bostwick,

Re: Independent Remedial Action
Marine Fluid Systems, Inc., 801 NW. 42nd Street, Seattle, WA. 98107

Thank you for submitting the results of your voluntary cleanup for review by the State of Washington's Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Marine Fluid Systems, Inc. property located at 801 NW. 42nd Street, Seattle, WA.:

1. Report titled "Phase 1 Environmental Site Assessment; Union Bay Ship Building Corporation Site", prepared for Ms. Billie Adams, Tippet Marine Services, Seattle, WA. by Parametrix, Inc., Kirkland, WA., and dated November, 1993.
2. Report titled "Subsurface Environmental Study, Marine Fluid Systems, 801 Northwest 42nd Street, Seattle (Ballard), Washington", prepared for Dana Bostwick, Ballard Land Management, Roy, WA. by Environmental Associates, Inc., Bellevue, WA., and dated March 17, 1999.

The report listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190.

Mr. T. Bostwick

2/02/00

Page 2

Based on the information in the report listed above, Ecology has determined that, at this time, the releases of petroleum (diesel, heavy oil, and carcinogenic polyaromatic hydrocarbons), PCB's, and metals, into soil and groundwater no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW, with the condition that semi-annual groundwater monitoring be performed for one year following this determination to demonstrate sustained compliance with MTCA groundwater levels for an industrial-use property; analytical results for groundwater compliance shall include diesel and heavy oils.

In addition, the Restrictive Covenant filed (King County record #19991217001233) on your property, dated 12/17/1999, is a condition to maintain Ecology's no further action determination. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated.

Please note that because your actions were not, or will not be conducted under a consent decree with Ecology, this letter is not a settlement by the state under RCW 70.105D.040(4) and is not binding on the agency.

Ecology's no further action determination is made only with respect to the releases identified in the independent remedial action reports listed above. This no further action determination applies only to the areas of the property affected by the releases identified in the reports at 801 NW. 42nd Street, Seattle, WA. It does not apply to any other releases at the property, any other areas on the property, nor any other properties owned or operated by Mr. Dana T. Bostwick, Marine fluid Systems, Inc., or Ballard Land Management, LLC. It does not apply to sediments at the property, and sediment contaminant issues may be addressed by Ecology in the future.

Ecology will update its database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed and Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report). Ecology does not assume any liability for any release, threatened release or other conditions at the site, or for any actions taken or omitted by any person or his/her agents or employees with regard to the release, threatened release, or other conditions at the site.

Again, thank you for taking the initiative to voluntarily address the contamination at your site. Your efforts are recognized by Ecology as a positive step in our work to protect human health and the environment in the State of Washington.


Mr. T. Bostwick

2/02/00

Page 3

If you have any questions regarding this letter, please contact me at 425-649-7185.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Timm". The signature is written in dark ink and is positioned above the printed name.

Ronald W. Timm
Hydrogeologist III
Toxics Cleanup Program

RWT



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

September 21, 2000

Dana T. Bostwick
Ballard Land Management, LLC
30115 First Avenue East
Roy, WA 98580

Dear Mr. Bostwick,

Re: Independent Remedial Action
Marine Fluid Systems, Inc., 801 NW. 42nd Street, Seattle, WA. 98107

Thank you for submitting the results of the groundwater monitoring conducted at the Marine Fluids Systems facility. This monitoring was required by the Interim no further action letter issued by the State of Washington Department of Ecology (Ecology) on February 3, 2000.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the facility:

1. Report titled "First Semi-Annual Groundwater Monitoring Event, Marine Fluid Systems, 801 Northwest 42nd Street, Seattle (Ballard), Washington" prepared for Ballard Land Management, Ballard, WA. by Environmental Associates, Inc., Bellevue, WA., and dated February 24, 2000.
2. Report titled "Second Semi-Annual Groundwater Monitoring Event, Marine Fluid Systems, 801 Northwest 42nd Street, Seattle (Ballard), Washington" prepared for Ballard Land Management, Ballard, WA. by Environmental Associates, Inc., Bellevue, WA., and dated September 18, 2000.

The report(s) listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190.

Based upon the information in the report(s), Ecology has determined that the monitoring required by the interim no further action letter, dated February 3, 2000, has been satisfactorily completed. No further monitoring is required and the monitoring wells may be abandoned. Abandonment of the wells must be conducted in accordance with the requirements of Chapter 173-160 Washington Administrative Code (WAC), *Minimum Standards for Construction and Maintenance of Wells*.

Bostwick

09/21/00

Page 2

This letter addresses only the monitoring required by the interim no further action letter. It does not modify any other conditions or requirements of Ecology's no further action determination, including Restrictive Covenants. Please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact me at 425-392-3095.

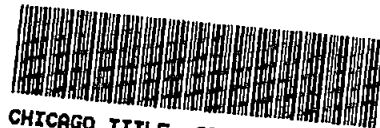
Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Timm".

Ronald W. Timm
Hydrogeologist III
Toxics Cleanup Program

RWT

WHEN RECORDED RETURN TO:
ROBERT L. DENORMANDIE JR.
YOUNG, DENORMANDIE & OSCARSSON
1191 2ND AVENUE, SUITE 1901
SEATTLE, WA 98101



CHICAGO TITLE COV

13.00

19991217001233

PAGE 001 OF 008
12/17/1999 11:42
KING COUNTY, WA



CHICAGO TITLE INSURANCE COMPANY

DOCUMENT TITLE(S)

1 RESTRICTIVE COVENANT

2

3

4

FILED BY CHICAGO TITLE INSURANCE CO. Number: 000490175

REF.# 490175-60 6P4
E13

REFERENCE NUMBER(S) OF DOCUMENT ASSIGNED OR RELEASED:

☐ Additional reference numbers on page ____ of document

GRANTOR(S):

1 FLORENCE J. EVANS

2

3

☐ Additional names on page ____ of document

GRANTEE(S):

1 STATE OF WASHINGTON DEPT. OF ECOLOGY

2

3

☐ Additional names on page ____ of document

ABBREVIATED LEGAL DESCRIPTION:

LOTS 3-6, BLOCK 1, SEATTLE TIDE LANDS AND A PORTION OF GOVERNMENT LOT
3 IN THE NORTHWEST QUARTER OF 13-25-3, TGW VAC STREETS ADJ.

☐ Complete legal description is on page ____ of document

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(S):

132503-9001-03

Additional Tax Accounts are on page ____ of document

Note: This cover sheet is prepared to conform to the requirements of Chapter 143, Laws of 1996. Nothing on this sheet alters the names, legal description or other information in the attached document. The only purpose of this cover sheet is to assist the auditor in indexing the document in conformance with statute.

The Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

COVER1/RDA/0999

1999 121 7001233

RESTRICTIVE COVENANT

Florence J. Evans

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1) (f) and (g) and WAC 173-340-440 by Florence J. Evans, her successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter referred to as "Ecology").

An independent remedial action (hereafter referred to as "Remedial Action") occurred at the property that is the subject of this restrictive covenant (hereafter referred to as "Restrictive Covenant"). The Remedial Action conducted at the property is described in the following documents:

1. Phase 1 Environmental Site Assessment; Union Bay Ship Building Corporation Site, prepared for Ms. Billie Adams, Tippet Marine Services, Seattle, WA. by Parametrix, Inc., Kirkland, WA., November, 1993.
2. Subsurface Environmental Study, Marine Fluid Systems, 801 Northwest 42nd Street, Seattle (Ballard), Washington, prepared for Dana Bostwick, Ballard Land Management, Roy, WA., by Environmental Associates, Inc., Bellevue, WA., March 17, 1999.

These documents are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because a Remedial Action has determined that the property contains diesel, heavy oil and carcinogenic polynuclear aromatic hydrocarbons, and metals, in soils which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740. BB

The undersigned, Florence J. Evans, is the fee owner of the real property in the County of King, State of Washington (hereafter referred to as "Property"), that is subject to this Restrictive Covenant. The Property is legally described as follows:

Lots 3, 4, 5, and 6, Block 1, Seattle Tide Lands; ALSO, that portion of Section 13, Township 25 North, Range 3 East, W.M. in King County, Washington, described as follows; Beginning at the northeast corner of Government Lot 3 of said Section 13; thence south 50°24'29" east along the northerly line of that portion of 8th Avenue Northwest vacated by Ordinance No. 76354 of the City of Seattle, 39.50 feet to the northwest corner of Lot 1, Block 1, Ross Home Addition, according to plat recorded in Volume 11 of Plats, page 25, King County, Washington; thence southerly along the west line of said Lot 1, to an intersection with the southeasterly line of that certain tract of land dedicated to the City of Seattle by the Northern Pacific Railway Company by deed recorded in Volume 871 of Deeds, page 242, under Auditor's File No. 915617, and later vacated by Ordinance No. 75290 of said City; thence southwesterly along the southeast line of said tract, as vacated by said Ordinance No. 76290 to an intersection with the east line of Burns Avenue Northwest (formerly Ewing Street) as established by Ordinance No. 14267 of said City; thence continuing southwesterly along the southeasterly line of that portion of said Burns Avenue Northwest, as vacated by Ordinance No 76354 of said County, to an intersection with the northeasterly line of Block 1, Seattle Tide Lands; thence north 21°47'24" west along the said northeast line of Block 1, Seattle Tide Lands, being also the southwesterly line of that portion of said Burns Avenue Northwest, as vacated by Ordinance Nos. 76354 and 72347 and 69210 of said City, to an intersection with the south line West 42nd Street; thence north 89°58'31" east along south line to the point of beginning.

Florence J. Evans, makes the following declaration as to limitations, restrictions, and uses to which the Property 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 Property
(hereafter referred to as "Owner").

Section 1. The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the City of Seattle's zoning regulations codified in the Municipal Code of the City of Seattle, Title 23, Land Use Code, as of the date of the Restrictive Covenant.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property. *JB*

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Section 7. The owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the

Section 8. The owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no

Ab

Dated at Seattle, Washington, this 15 day of December, 1999

Florence J. Evans
Florence J. Evans, Owner

(4)

SIGNATURE PAGE

Florence Evans
FLORENCE EVANS

STATE OF WASHINGTON

SS

COUNTY OF KING

ON THIS 15TH DAY OF DECEMBER, 1999 9 BEFORE ME, THE UNDERSIGNED,
A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED
AND SWORN, PERSONALLY APPEARED FLORENCE EVANS KNOWN TO ME TO BE THE
INDIVIDUAL(S) DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT AND
ACKNOWLEDGED THAT SHE SIGNED AND SEALED THE SAME AS HER FREE AND
VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES HEREIN MENTIONED.

Scott Smouse

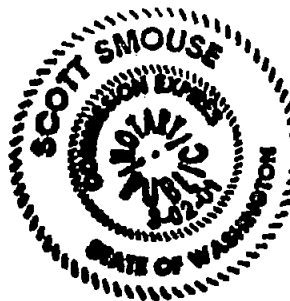
NOTARY SIGNATURE

PRINTED NAME: Scott Smouse

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT Bellevue

MY COMMISSION EXPIRES ON 3/2/2001



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