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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 21, 1999

Mr. Ken Gardner  
1030 Roe Street  
Steilacoom, WA 98388-4010

Dear Mr. Gardner:

Thank you for submitting the results of your independent remedial action for review by the Washington State 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 soils remediation activities at the Town of Steilacoom Public Works Building, located at 1030 Roe Street, Steilacoom, Washington 98388:

- Langseth Environmental Services, Inc., Site Characterization Report, Town of Steilacoom, Publics Works Building, 1030 Roe Street, Steilacoom, WA 98388, March 31, 1998.
- Langseth Environmental Services, Inc., Voluntary Cleanup Report, Town of Steilacoom, Publics Works Building, 1030 Roe Street, Steilacoom, WA 98388, August 12, 1998.
- Langseth Environmental Services, Inc., Additional Site Investigation Report, Town of Steilacoom, Steilacoom Public Works, 1030 Roe Street, Steilacoom, WA 98388, June 18, 1999.

The above-listed reports will be kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology for review by appointment only. Appointments can be made by calling the SWRO resource person at (360) 407-6365.

Based upon the above listed information, Ecology has determined that, at this time, the release of total petroleum hydrocarbons (TPH) into the soil 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. However, 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.

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Ecology's no further action determination is contingent upon filing the Restrictive Covenant, enclosed hereto as Enclosure (A), with the Pierce County auditor's office within 30 days of the date of this letter. No later than thirty (30) days from the date the Restrictive Covenant is recorded, you must send a notarized copy of the recorded Restrictive Covenant to Ecology. Ecology's no further action determination automatically terminates and will have no force and effect if you fail to record this Restrictive Covenant or violate any portions of the Restrictive Covenant. WAC 173-340-440(6) requires you to notify and seek comment from a city or county department with land-use planning authority for real property subject to the Restrictive Covenant.

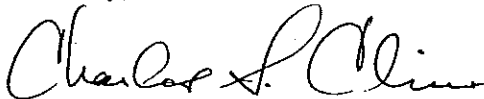
Ecology's no further action determination is made only with respect to the releases identified in the reports listed above and applies only to the area of the property affected by the releases at the Town of Steilacoom Public Works Building, located at 1030 Roe Street, Steilacoom, Washington as identified in the reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by the Town of Steilacoom.

Ecology will update its databases and 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).

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 about any of the information presented in this letter, please contact me at (360) 407-6267.

Sincerely,



Charles S. Cline  
Toxics Cleanup Program  
Southwest Regional Office

CSC:td  
Enclosure

cc: Mr. Tom Langseth, Langseth Environmental Services, Inc.  
Mr. Mark LaVergne, Tacoma Pierce County Health Dept.  
Ms. Lynn Gooding, Ecology

## RESTRICTIVE COVENANT

### Town of Steilacoom, Public Works Site Vehicle Parking and Storage Building

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

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

- Langseth Environmental Services, Inc. **Site Characterization Report, Town of Steilacoom, Public Works Building, 1030 Roe Street, Steilacoom, WA 98388, March 31, 1998.**
- Langseth Environmental Services, Inc. **Voluntary Cleanup Report, Town of Steilacoom, Public Works Building, 1030 Roe Street, Steilacoom, WA 98388, August 12, 1998.**
- Langseth Environmental Services, Inc. **Additional Site Investigation Report, Town of Steilacoom, Steilacoom Public Works, 1030 Roe Street, Steilacoom, WA 98388, June 18, 1999.**
- Department of Ecology **No Further Action letter** dated July 21, 1999.

These documents are on file at Ecology's Southwest Regional Office, or successor office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Xylenes, TPH (gasoline) and TPH (diesel) which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil, established under WAC 173-340-440.

The undersigned, Town of Steilacoom, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: Lot #17, Cherrydale Addition, Steilacoom, WA.

The Town of Steilacoom 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 "Owner").

**Section 1.** A portion of the Property contains Xylene, TPH ( gasoline ) and TPH (diesel) contaminated soil located under the east end of the Public Works Vehicle Parking and Storage Building as indicated in Attachments A and B. The Owner shall not alter, modify, or remove this building in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

**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) days 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.

**Section 6.** The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

**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 Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

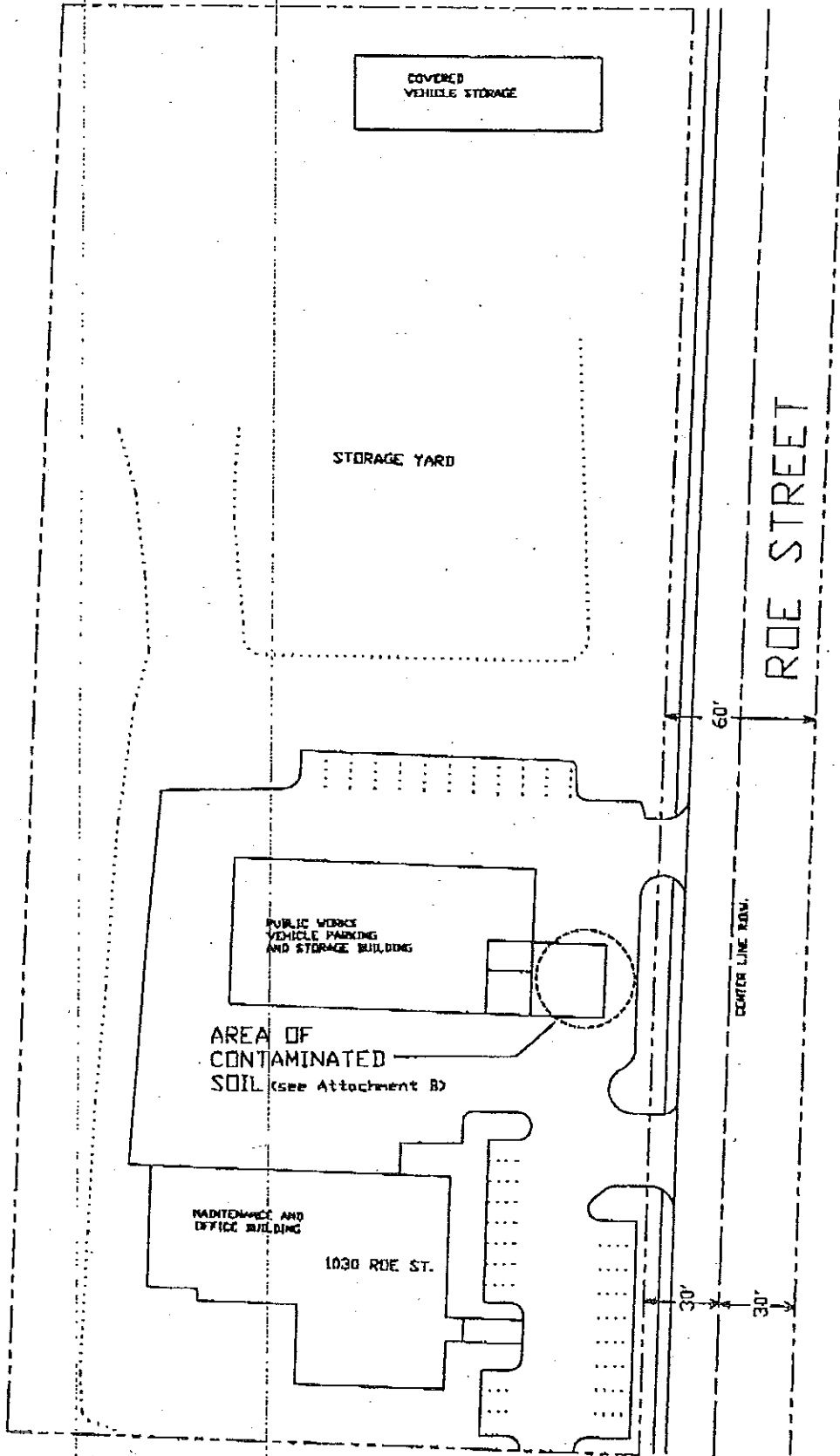
**Section 8.** The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

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**Janda Volkmer, Mayor  
Town of Steilacoom**

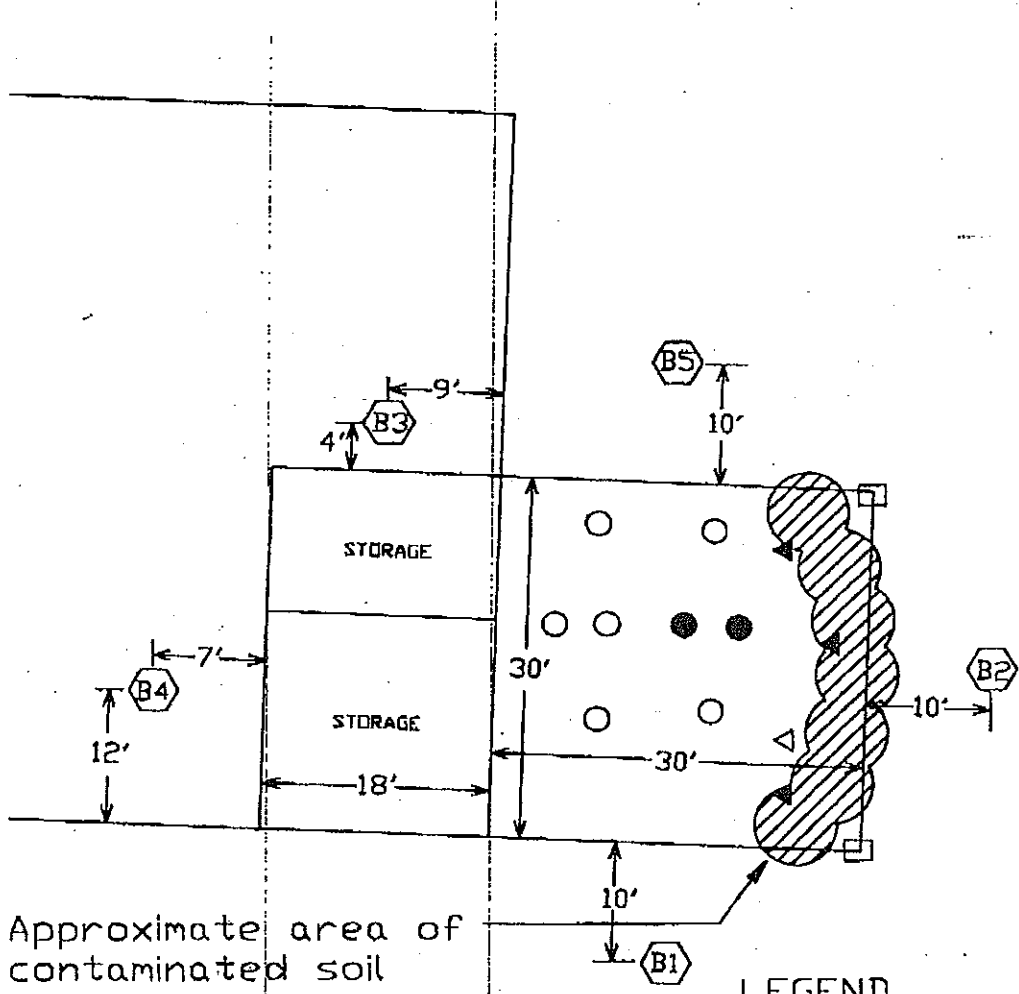
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**Date Signed**

**NOTARIZED**

Attachment A  
Site Plan  
Town of Steilacoom  
Public Works Site



# Attachment B Site Plan Town of Steilacoom Contaminated Soil Location



Approximate area of contaminated soil

### LEGEND

- ⬡ Clean Soil boring sample location June 1999  
(less than MTCA Method A Residential Cleanup Level)
- ◁ Clean sample location June 1998  
(less than MTCA Method A Residential Cleanup Level)
- Clean sample location March 1998  
(less than MTCA Method A Residential Cleanup Level)
- ◄ Contaminated sample location June 1998  
(exceeds MTCA Method A Residential Cleanup Level)
- Contaminated sample location March 1998  
(exceeded MTCA Method A Residential Cleanup Level)  
Soil removed June 1998