



Dick Hegge
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DEPARTMENT OF ECOLOGY '95 DEC 13 A8:19

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December 8, 1995

DEPARTMENT OF ECOLOGY
S.W. REGIONAL OFFICE

Ms. Lynn Manolopoulos
Davis, Wright, Tremaine
1800 Bellevue Place
10500 Northeast 8th Street
Bellevue, WA 98004

Dear Ms. Manolopoulos:

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 (TCP) has reviewed the following information relating to the Xytec Loading Dock (Clorox) site (a sub-site of the Xytec site), Ecology TCP database #S-27-0065-001, located at Building 10 in the Lakewood/Tacoma Industrial Park, Tacoma, Washington:

- Hart Crowser, Cleanup Action Plan, Xytec Loading Dock Area, Tacoma, Washington, July 7, 1993.
- Hart Crowser, Draft Independent Remedial Action Closure Report, Xytec Loading Dock Area, Tacoma, Washington, January 6, 1994.
- Hart Crowser, FAX Transmittal, additional site cleanup information, May 17, 1994.
- Hart Crowser, Groundwater Monitoring Results, Xytec Loading Dock Area, Tacoma, Washington, December 9, 1994.
- Hart Crowser, Final Independent Remedial Action Closure Report, Xytec Loading Dock Area, Tacoma, Washington, June 1995.
- Hart Crowser, Response to Ecology's April 21, 1995, letter, August 10, 1995.

Your 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 Southwest Regional Office Resource Center at (360) 407-6365.

Based on the above listed information, Ecology has determined that, at this time, the release of petroleum into the soil and ground water no longer poses a threat to human health or the environment.

Ecology is aware of soil contamination related to a former solvent still located near the eastern portion of the north wall of building 10 (known as the Xytec site, Ecology database #S-27-0065-000). Solvent contamination has been documented in the ground water north of building 10, and appears to be related to the solvent still and associated soil contamination. The solvent contamination is the main basis of the listing of the Xytec site on Ecology's site database, and subsequent #2 ranking on Ecology's Hazardous Sites List. The Xytec Loading Dock site

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(database #S-27-0065-001) should not be confused with the Xytec site. Ecology is aware of soil remediation efforts and ground water monitoring related to the Xytec site solvent contamination. Therefore, Ecology is issuing this determination that no further action is necessary at the Xytec Loading Dock site under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, contingent upon recording the restrictive covenant (enclosed) with the register of deeds with Pierce County. The enclosed deed restriction shall be recorded by Northwest Building Corporation within ten days of receipt of this letter. A copy of the recorded deed restriction shall be submitted to Ecology within five days of the date of recording. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is not a settlement by the state under RCW 70.105D.040(4).

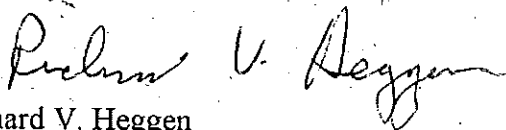
This determination is made only with respect to the release identified in the independent remedial action reports dated July 7, 1993, January 6, 1994, May 17, 1994, December 9, 1994, June 1995, and August 10, 1995, prepared by Hart Crowser, Inc. This No Further Action determination applies only to the area of the property affected by the release identified in the above-mentioned reports at the Xytec Loading Dock site (database #S-27-0065-001) in Tacoma, Washington. It does not apply to any other release or potential release at the property, or any other properties owned or operated by Northwest Building Corporation.

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.

Upon receipt of a copy of the recorded deed restriction, Ecology will update the appropriate site databases to reflect this "No Further Action" determination. At that time, the Xytec Loading Dock site will not appear in future publications of the Confirmed or Suspected Contaminated Sites List.

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

Sincerely,



Richard V. Heggen
Site Assessor
Toxics Cleanup Program
Southwest Regional Office

RVH:jr
Enclosure

cc: Maia Bellon, Ecology
Lori Herman, Hart Crowser, Inc.
Anne Lawler, Jameson, Babbitt, Stites & Lombard
Les Musgrave, Perstop-Xytec
John Norris, Kennedy-Jenks Consultants

After Recording, Return To:
Anne DeVoe Lawler
Jameson Babbitt Stites & Lombard, P.L.L.C.
999 Third Avenue, Suite 1900
Seattle, WA 98104

RESTRICTIVE COVENANT

Northwest Building Corporation
Loading Dock Site - Building 10
Lakewood-Tacoma Industrial Park

The property that is the subject of this Restrictive Covenant is the loading dock area adjacent to the north side of Building 10 of the Lakewood/Tacoma Industrial Park, located in Tacoma, Washington (hereinafter referred to as the "Loading Dock Site" or "Loading Dock Area"). This Loading Dock Site also has been referred to as the Clorox Site. The Loading Dock Site has been the subject of an independent remedial action under Chapter 70.105D RCW. The remedial action undertaken to cleanup the Loading Dock Site (hereinafter referred to as the "Cleanup Action") is described in several documents prepared by Hart Crowser. These documents are listed in a "no further action" letter ("NFA Letter") to Lynn Manolopoulos, Clorox Company's Attorney, from Richard V. Heggen of the State of Washington Department of Ecology ("Ecology") dated December 8, 1995. The Cleanup Action documents and the NFA Letter are kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology.

The undersigned, Northwest Building Corporation, is the fee owner ("Owner") of real property in the County of Pierce, State of

Washington (the "Property"), which includes the Loading Dock Site. The portion of the Property on which the Loading Dock Site is located is described in Exhibit A attached hereto, and is located on the survey attached as Exhibit A-1. A map of the Loading Dock Area is attached hereto as Exhibit B.

The residual contamination that is the subject of this restrictive covenant consists primarily of heavy oil range petroleum hydrocarbons and minor amounts of gasoline range petroleum hydrocarbons as described in the above-referenced documents.

This restrictive covenant is required by Ecology per WAC 173-340-440 because the Cleanup Action resulted in the residual concentrations noted above, which exceed the Model Toxics Control Act Method A Cleanup levels for soil established under WAC 173-340-740.

The Owner makes the following declaration as to limitations, restrictions, and uses to which the Loading Dock Site may be put, and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Loading Dock Site.

Section 1. The Loading Dock Site contains soil with residual contaminants consisting primarily of heavy oil range petroleum hydrocarbons and minor amounts of gasoline range petroleum hydrocarbons located underneath Building 10 and underneath the cap

in the Loading Dock Area, as shown on attached Exhibit B, and all as described in the Hart Crowser final IRAP Report dated June 1995. Remediation or removal of this residual contaminated soil in accordance with applicable laws must be addressed before the owner or successor owner(s) alters, modifies, or removes the existing building or Loading Area Cap in any manner that exposes the residual contamination. Any such plans for alteration, modification or removal which shall expose the residual contamination shall be submitted to and approved by Ecology or its successor agency prior to such actions.

Section 2. The owner of the property must give prior written notice to Ecology, or successor agency, of the owner's conveyance of its title to the Loading Dock Site (as described in Exhibit A).

Section 3. The owner must notify and obtain approval from Ecology, or its successor agency, prior to any use of the Loading Dock Site that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve any inconsistent use only after public notice and comment.

Section 4. The owner shall allow authorized representatives of Ecology, or its successor agency, the right to enter the Loading Dock Site at a reasonable time after prior notice for the purpose of evaluating the Cleanup Action, taking samples, inspecting remedial actions conducted at the Loading Dock Site, and inspecting records that are related to the Cleanup Action.

Section 5. The owner of the Loading Dock Site and the owner's assigns and successors in interest reserve the right under WAC 173-

340-440 (7) to record an instrument which provides that this Restrictive Covenant shall no longer limit use of the Loading Dock Site or be of any further force or effect. However such an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.

NORTHWEST BUILDING CORPORATION

By: _____
Its: _____
Date: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

On this _____ day of _____, 1995, before me personally appeared _____, to me known to be the _____ of NORTHWEST BUILDING CORPORATION, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the 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 and that the seal affixed, if any, is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State
of Washington, residing at _____
My commission expires: _____

[Type or Print Notary Name]

EXHIBIT A

A portion of the following described Parcel A known as building 10 whose address is 9314 47th Avenue SW, Tacoma, WA 98499.

PARCEL A:

All that real property situate in the Northwest and Northeast quarters of SECTION 1, TOWNSHIP 19 NORTH, RANGE 2 EAST of the W.M., in Pierce County, Washington, and the Southwest and Southeast quarters of SECTION 36, TOWNSHIP 20 NORTH, RANGE 2 EAST of the W.M., and being more particularly described as follows:

Commencing at the Southwest corner of said Section 36; thence Northerly along the West line of said Section 36, North $00^{\circ}23'04''$ East 751.18 feet to the true point of beginning; thence continuing Northerly along said West line North $00^{\circ}23'04''$ East 511.05 feet to the Southwest corner of a parcel of land conveyed to the Clover Park School District No. 400 under Auditor's Fee No. 2235009; thence Easterly along the North line extended West of a parcel of land conveyed to Newport, Inc., under Auditor's Fee No. 2235010, South $89^{\circ}31'47''$ East 1810.89 feet; thence Southerly, South $1^{\circ}00'19''$ West 363.27 feet; thence Easterly, South $89^{\circ}43'03''$ East 778.10 feet; thence Southerly, South $00^{\circ}35'36''$ West 558.40 feet; thence Westerly, North $89^{\circ}43'03''$ West 285.00 feet; thence Northerly, North $00^{\circ}35'36''$ East 287.63 feet; thence Westerly, North $89^{\circ}43'03''$ West 490.77 feet; thence Southerly, South $00^{\circ}35'36''$ West 317.63 feet; thence Easterly, South $89^{\circ}43'03''$ East 775.77 feet; thence Southerly, South $00^{\circ}35'36''$ West 50.00 feet; thence Easterly, South $89^{\circ}36'59''$ East 300.14 feet; thence Southerly, South $14^{\circ}25'24''$ West 252.37 feet to the South line of the Southeast quarter of said Section 36; thence continuing Southerly, South $14^{\circ}25'24''$ West 34.72 feet; thence Westerly, North $89^{\circ}38'00''$ West 160.81 feet to the East line of Government Lot 3 in Section 1, Township 19 North, Range 2 East of the W.M.; thence Southerly, along the East line of said Government Lot 3, South $00^{\circ}40'17''$ East 743.28 feet; thence Westerly, North $89^{\circ}39'55''$ West 775.29 feet; thence Northerly, North $00^{\circ}22'59''$ East 453.20 feet; thence Westerly, North $89^{\circ}40'02''$ West 342.44 feet; thence Southerly, South $00^{\circ}18'37''$ West 275.53 feet; thence Westerly, North $89^{\circ}41'00''$ West 210.08 feet to the West line of said Government Lot 3; thence continuing Westerly, North $89^{\circ}41'00''$ West 137.76 feet; thence Southerly, South $00^{\circ}17'54''$ West 509.94 feet; thence Westerly, North $89^{\circ}42'35''$ West 646.24 feet to the East line of said parcel of land conveyed to Fred Meyer Properties, Inc., under Auditor's Fee No. 2504609; thence Northerly along said East line extended, North $00^{\circ}26'16''$ West 694.48 feet; thence Easterly, South $89^{\circ}39'42''$ East 676.64 feet; thence Northerly, North $00^{\circ}16'30''$ East 732.97 feet; thence Westerly, North $89^{\circ}42'43''$ West 892.47 feet; thence Northerly, North $00^{\circ}16'12''$ East 421.41 feet; thence Westerly, North $89^{\circ}31'47''$ West 327.44 feet to the West line of the Southwest quarter of Section 36, Township 20 North, Range 2 East of the W.M., and the point of beginning.

SURVEY MAP

Loading Dock Site

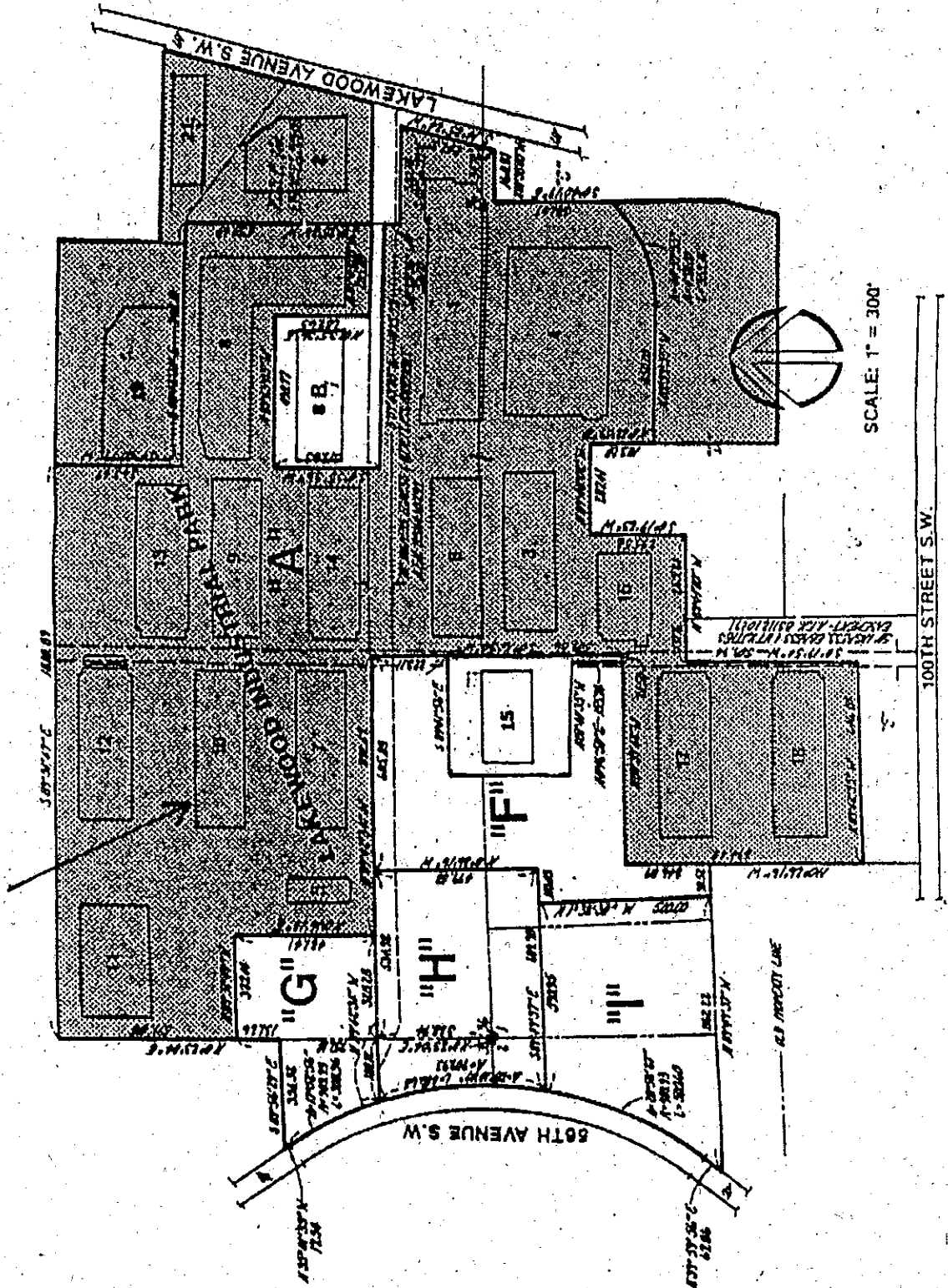
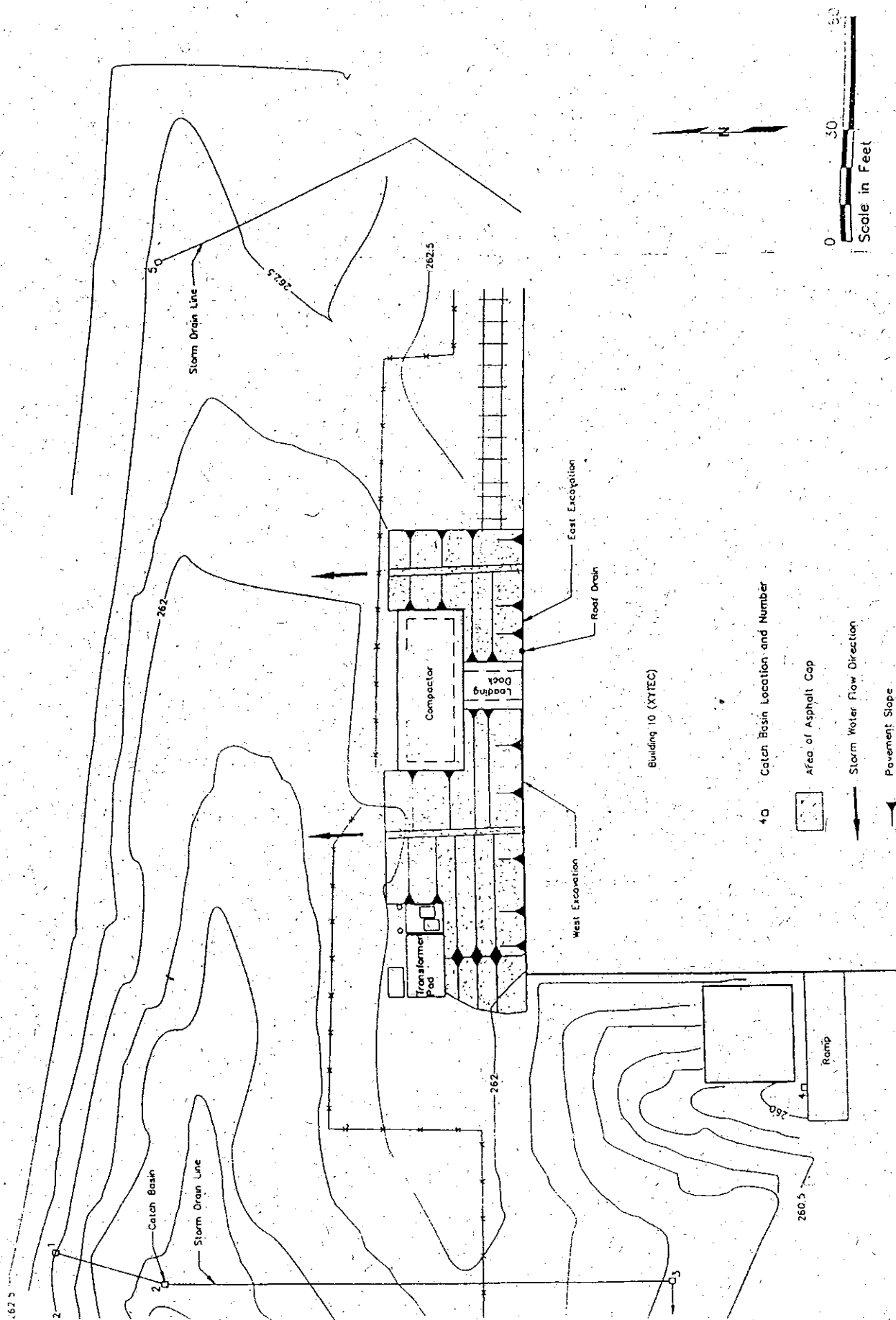


Exhibit B



**TABLE 1. SUMMARY OF SAMPLE RESULTS
VOLATILE ORGANIC COMPOUNDS IN GROUNDWATER
LAKEWOOD INDUSTRIAL PARK, BUILDING 10, STILL DISCHARGE AREA**

	MTCA Cleanup Standards ^a	10/90 SRH	4/3/92 HC	4/3/92 KJC	11/10/92 HC	12/20/93 PTI	3/8/94 PTI	8/16/94 PTI	2/1/95 PTI
MW-1 (µg/L) - Located at Solvent Recycling Still Discharge Point									
Methylene chloride	5	ND	ND	ND	ND	ND	ND	ND	ND
Cis-1,2-dichloroethene	None ^b	NT	ND	ND	NT	24	ND	ND	ND
1,2-Dichloroethene (total)	None ^b	4.6	NT	NT	8.8	ND	ND	ND	ND
1,1,-Dichloroethane	None	ND	ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene	5.0	Trace	ND	ND	2.4	ND	ND	ND	ND
1,1,1-Trichloroethane	200	ND	ND	ND	0.56	ND	ND	ND	ND
Trichloroethene	5.0	ND	ND	ND	0.29 J	ND	ND	ND	ND

	MTCA Cleanup Standards ^a	10/90 SRH	4/3/92 HC	4/3/92 KJC	11/10/92 HC	12/20/93 PTI	3/8/94 PTI	8/16/94 PTI	2/1/95 PTI
MW-3 (µg/L) - Located 25 ft west of MW-1									
Methylene chloride	5	Trace	ND	ND	ND	ND	ND	ND	ND
Cis-1,2-dichloroethene	None	NT	ND	ND	NT	8.6	ND	5.2	ND
1,2-Dichloroethene (total)	None	5.2	NT	NT	19	ND	ND	ND	ND
1,1,-Dichloroethane	None	ND	ND	ND	0.51	ND	ND	ND	ND
Tetrachloroethene	5.0	Trace	ND	ND	0.30 J	ND	ND	ND	ND
1,1,1-Trichloroethane	200	ND	ND	ND	0.50	ND	ND	ND	ND
Dichloroethene	5.0	ND	ND	ND	1.0	ND	ND	ND	ND

Note: HC - Hart Crowser
KJC - Kennedy Jenks Chilton
MTCA - Model Toxics Control Act
ND - not detected above detection limits
NT - not tested
PTI - PTI Environmental Services
SRH - SRH Environmental Management
Boxed values exceed MTCA Method A cleanup levels.

Qualifier: J - estimated value - below practical quantification limit

^a MTCA Method A cleanup level for groundwater.

^b No MTCA Method A cleanup concentration established for this compound.

^c Compound detected in method blank.