



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 29, 1999

Mr. William Halbert
GeoEngineers, Inc.
1101 S. Fawcett Avenue, Suite 200
Tacoma, WA 98402

RE: Request for No Further Action Determination
LTS Trucking, 423 South 7th Street, Renton,
Washington

Dear Mr. Halbert:

Thank you for submitting the results of your independent remedial actions for review by the State of Washington 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 LTS Trucking Facility located at 423 South 7th Street, Renton, Washington:

1. Voluntary Cleanup Program Site Summary For LTS Trucking, 423 South 7th Street, Renton Washington, dated February 16, 1998, and prepared by GeoEngineers.
2. Groundwater Monitoring Report LTS Trucking, Renton, Washington, dated February 10, 1998, and prepared by GeoEngineers, Inc.
3. Groundwater Monitoring Report LTS Trucking, Renton, Washington, dated October 24, 1997, and prepared by GeoEngineers, Inc.
4. Groundwater Monitoring Report LTS Trucking, Renton, Washington, dated August 4, 1997, and prepared by GeoEngineers, Inc.
5. Groundwater Monitoring Report LTS Trucking, Renton, Washington, dated May 7, 1997, and prepared by GeoEngineers, Inc.
6. Geoenvironmental Services Report Former Trucking, Renton, Washington, dated January 6, 1997, and prepared by GeoEngineers, Inc.

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The above listed documents 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 the NWRO resource contact at (425) 649-7190.

Based upon the above listed information Ecology has determined that, at this time, the release of petroleum hydrocarbon as gasoline (TPH-G), and diesel (TPH-D), benzene, ethylbenzene, toluene, and xylenes into the 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. 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.

In addition, the Restrictive Covenant filed on your property dated January 5, 1999, is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated.

Ecology's no further action determination is made only with respect to the release identified in the independent remedial action reports listed above. This no further action determination applies only to the area of the property affected by the release identified in the reports at 423 South 7th Street, Renton, Washington. It does not apply to any other release or potential release at the property, any other area on the property, nor any other properties owned or operated by Castagno Brothers' Trust.

Ecology will update its Leaking Underground Storage Tank database to reflect this "No Further Action" determination. Your site will not appear in future publications of the LUST database.

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

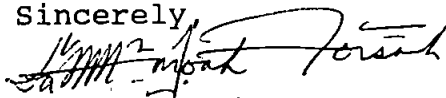
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Please contact me at (425) 649-7099, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Amoah-Forson". The signature is stylized with a large, sweeping "B" and "F".

Ben Amoah-Forson

Toxics Cleanup Program

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ATTACHMENT A

GeoEngineers
FAX TRANSMITTAL

1101 Fawcett Avenue, Suite 200
Tacoma, WA 98402
Telephone: (253) 383-4940
Fax: (253) 383-4923

To: Ecology - NWRO

Date: January 20, 1999

File:

Fax Number: (425) 649-7098

Attention: Ben Amoah-Forson

Regarding:

Pages	Date	Description
1 3	1/20/99	Fax Transmittal Deed Restriction for Castagno Trucking Facility 423 South 7 th Street, Renton

Total Pages: 4

Comments:

Signed:


William Halbert

After Recording Return to:
TUTTLE & GORHAM
MR. GERALD G. TUTTLE
P.O. BOX 1189
ISSAQUAH, WA 98027

9901120993

RESTRICTIVE COVENANT
EVERGREEN L.L.C

QUANTITY RECORDING ONLY 423 SOUTH 7TH STREET
 RENTON, WASHINGTON

1ST AM ③ m12273-2

DOCUMENT: Restrictive Covenant
GRANTOR: Evergreen I LLC
GRANTEE: State of Washington, Department of Ecology
LEGAL: Por NE 1/4, NE 1/4, S 19 T 23 N R S E
TAX PARCEL: 18239508925-09 192305-9024-00

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Evergreen I LLC, its successors and assigns, in favor of 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:

1. Voluntary cleanup Program Request for Assistance, dated February 16, 1998.
2. Ground water Monitoring Reports dated January 6th, May 7th, August 4th and October 24, 1997 and February 10, 1998.
3. Geo Environmental surveys Report dated January 6, 1997.

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

10.00
 2011-02-03 16:15:10 IN KING COUNTY RECORDS DIV 11

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline and diesel which may exceed the Model Toxics Control Act Method Residential Cleanup Level for Soil established under WAC 173-340-740.

The undersigned Evergreen I L.L.C., is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment "A" of this Restrictive Covenant and made a part hereof by reference.

EVERGREEN I L.L.C. 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.

1. The Property shall not be used for residential uses, as described and defined in and allowed under the City of Renton's zoning regulations codified in the CA Zone 4-31-10.4 as of the date of this Restrictive Covenant.

2. A portion of the Property contains contaminated soil located at the southeast corner of a garage building at the northwest corner of the Property and at the southeast corner of a warehouse building at the southeast corner of the Property. The Owner shall not alter, modify, or remove the existing structure(s) 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 unless prior written approval from Ecology is obtained.

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 must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessors of the restrictions on the use of the Property.

Section 5. 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

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samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

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 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.

EVERGREEN I LLC

By: Charles F. Pepka
CHARLES F. PEPKA, Manager

1 5 99

DATED SIGNED

STATE OF WASHINGTON)

) ss

COUNTY OF KING)

On this 5 day of January, 1998, before me the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Charles F. Pepka, to me known to be the Manager of Evergreen I L.L.C., the Limited Liability Company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument.

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

David G. [Signature]
Notary Public in and for the State of Washington
Printed Name: David G. [Signature]
Commission Expires 6.1.02