

AMENDED Environmental Covenant

After Recording Return
Original Signed Covenant to:
David Unruh
Toxics Cleanup Program
Department of Ecology
PO Box 330316,
Shoreline, WA 98133

Grantors: City of Everett, Haack Brothers Inc.

Grantee: State of Washington, Department of Ecology (hereafter "Ecology")

Brief Legal Description: Section 08 Township 29 Range 05 Quarter SW EVERETT DIV S
PLAT OF BLK 104 D-00 PAR A CITY EV BLA FILE NO BLA19-011 REC AFN
201912185007 AMD BY REC AFN 202009115004 & DEC OF OWNERSHIP REC
AFN201912180588 BEING PTN BLK 104 SD PLAT

Cleanup Site ID: 1653

Facility/Site ID: 9311679

VCP No.: NW3268

Tax Parcel Nos.: 00438610400600

Cross Reference: Original Covenant #200812050469 (amending); Property NFA opinion letter (both attached)

RECITALS

- a.** This document is an amended environmental (restrictive) covenant (hereafter "Amended Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70A.305 RCW, and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW. This Amended Covenant amends Original Covenant #200812050469 (Original Covenant"). Attachment 1
- b.** The Property that is the subject of this Amended Covenant is commonly known as "the Legion Lots Haack Parcel," residential lots which comprise a portion of the Legion Memorial Golf Course cleanup site. The Legion Lots Haack Parcel is legally described in Exhibit A, and illustrated in Exhibit B (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.

c. The Property was the subject of remedial action conducted under MTCA as part of the Legion Memorial Golf Course cleanup site. Following the remedial action, the Property was subject to an Environmental Covenant (the Original Covenant), placing restrictions on certain activities and uses of the Property because residual contamination remained above MTCA cleanup levels. This Amended Covenant is required because Ecology has determined no residual contamination remains above MTCA cleanup levels on the Property.

d. Specifically, on January 6, 2023, Ecology issued a No Further Action (NFA) opinion letter, applicable to the Property (Legion Lots Haack Parcel). See Attachment 2. In the NFA letter, Ecology details the basis for its determination that no further remedial action is necessary to clean up contamination on the Property. See Attachment 2 at pp. 2-5. Ecology concluded that based on its analysis of the cleanup of the Property, the Original Covenant recorded for the Legion Memorial Golf Course cleanup site is no longer necessary to protect human health and the environment and the integrity of the remedial action at the Property. See Attachment 2 at p. 5.

e. Therefore, this Amended Covenant excludes the Property from the Original Covenant. This Amended Covenant does not amend any restrictions for the remainder of the Legion Memorial Golf Course cleanup site.

GRANTOR'S SIGNATURE BLOCK

The undersigned Grantor warrants he/she holds the title the Legion Memorial Golf Course and has authority to execute this Covenant.

EXECUTED this _____ day of _____, 20__.

The undersigned further acknowledges that the Original Environmental Covenant #200812050469, filed in Snohomish County, is hereby amended by the above Amended Covenant.

CITY OF EVERETT, WASHINGTON

By

Mayor

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the _____ Mayor Of the City of Everett to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

City Clerk

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the City Clerk of the City of Everett to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

City Attorney

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the City Attorney of the City of Everett to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

GRANTOR'S SIGNATURE BLOCK

The undersigned Grantor warrants he/she holds the title the Legion Memorial Golf Course and has authority to execute this Covenant.

EXECUTED this _____ day of _____, 20__.

The undersigned further acknowledges that the Original Environmental Covenant #200812050469, filed in Snohomish County, is hereby amended by the above Amended Covenant.

HAACK BROTHERS INC.

President

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the President of Haack Brothers Inc. to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

The Department of Ecology, hereby accepts the status as GRANTEE and HOLDER of the above Environmental Covenant pertaining to the Legion Memorial Golf Course, 413 Rockefeller Avenue, Everett, Washington 98201; Facility Site ID 9311679; Cleanup Site ID 1653; Voluntary Cleanup Project NW3268.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

by: _____

Title: _____

Dated: _____

DRAFT

Exhibit A
PROPERTY LEGAL DESCRIPTION

DRAFT

413 Rockefeller Avenue;

LOTS 6 AND 7, BLOCK 104, DIVISIONS PLAT OF EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EASTERLY AND ADJACENT TO SAID LOTS AS VACATED BY CITY OF EVERETT ORDINANCE NO. 4285, RECODED UNDER AUDITOR'S FILE NO. 2028089;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

419 Rockefeller Avenue;

LOTS 8 AND 9, BLOCK 104, DIVISIONS PLAT OF EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EASTERLY AND ADJACENT TO SAID LOTS AS VACATED BY CITY OF EVERETT ORDINANCE NO. 4285, RECODED UNDER AUDITOR'S FILE NO. 2028089;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

421 Rockefeller Avenue;

LOTS 10 AND 11, BLOCK 104, DIVISIONS PLAT OF EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EASTERLY AND ADJACENT TO SAID LOTS AS VACATED BY CITY OF EVERETT ORDINANCE NO. 4285, RECODED UNDER AUDITOR'S FILE NO. 2028089;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

423 Rockefeller Avenue;

LOTS 12 AND 13, BLOCK 104, DIVISIONS PLAT OF EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EASTERLY AND ADJACENT TO SAID LOTS AS VACATED BY CITY OF EVERETT ORDINANCE NO. 4285, RECODED UNDER AUDITOR'S FILE NO. 2028089;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

425 Rockefeller Avenue;

LOTS 14 AND 15, BLOCK 104, DIVISIONS PLAT OF EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EASTERLY AND ADJACENT TO SAID LOTS AS VACATED BY CITY OF EVERETT ORDINANCE NO. 4285, RECORDED UNDER AUDITOR'S FILE NO. 2028089;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

433 Rockefeller Avenue;

LOTS 16 AND 17, BLOCK 104, DIVISIONS PLAT OF EVERETT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SNOHOMISH COUNTY, WASHINGTON;

TOGETHER WITH THE WEST HALF OF VACATED ALLEY LYING EASTERLY AND ADJACENT TO SAID LOTS AS VACATED BY CITY OF EVERETT ORDINANCE NO. 4285, RECORDED UNDER AUDITOR'S FILE NO. 2028089;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

Exhibit B
PROPERTY MAPS

DRAFT

COORDINATE SYSTEM: NAD 1983 STATEPLANE WASHINGTON NORTH FIPS 4601 FEET, MAP ROTATION: 0
 -- SAVED BY: S RAY ON 4/28/2023 11:29:53 AM, FILE PATH: T:\HAACK BROTHERS\424198 HAACK BROTHERS\424198 HAACK BROTHERS\2-APPROX ENVIRONMENTAL COVENANT ADDENDUM.APRX, LAYOUT NAME: FIG 1-8.5X11



APPROXIMATE LOCATION OF PROPERTY PERIMETER FENCE
 APPROXIMATE SUBJECT PROPERTY BOUNDARY

BASE MAP: SNOHOMSH COUNTY GIS DATA PORTAL (2020).
 DATA SOURCES: TRC, OPENSTREETMAP, SNOHOMSH COUNTY.

1:600 1" = 50'

PROJECT: HAACK BROTHER HOMES
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

TITLE: BOUNDARIES OF LEGION LOT HAACK PARCELS

DRAWN BY: S. RAY	PROJ. NO.: 424198.0001.0000
CHECKED BY: W. WEISBERG	FIGURE 1
APPROVED BY: W. WEISBERG	
DATE: APRIL 2023	

1180 NW MAPLE STREET, SUITE 310
 ISSAQUAH, WA 98027
 PHONE: 425.395.0010

FILE: ENVIRONMENTAL COVENANT ADDENDUM

COORDINATE SYSTEM: NAD 1983 STATEPLANE WASHINGTON NORTH FIPS 4601 FEET; MAP ROTATION: 0
 -- SAVED BY: SRAY ON 4/28/2023 11:29:53 AM; FILE PATH: T:\HAACK BROTHERS\424198 HAACK BROTHERS\2-APPROX ENVIRONMENTAL COVENANT ADDENDUM.APRX; LAYOUT NAME: FIG 2-8.5X11



- HAACK LEGION LOT PARCEL
- APPROXIMATE LEGION MEMORIAL GOLF COURSE SITE BOUNDARY


- WASNOH20_9n.sid
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

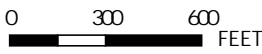
PROJECT: HAACK BROTHER HOMES
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

TITLE: PROPERTY LOCATION RELATIVE TO
 LEGION MEMORIAL GOLF COURSE SITE

DRAWN BY: S. RAY	PROJ. NO.: 424198.0001.0000
CHECKED BY: W. WEISBERG	FIGURE 2
APPROVED BY: W. WEISBERG	
DATE: APRIL 2023	

BASE MAP: SNOHOMSH COUNTY GIS DATA PORTAL (2020).
 DATA SOURCES: TRC, OPENSTREETMAP, LEGION MEMORIAL GOLF COURSE BOUNDARY: SNOHOMSH COUNTY.





0 300 600 FEET
 1:7,200 1" = 600



1180 NW MAPLE STREET, SUITE 310
 ISSAQUAH, WA 98027
 PHONE: 425.395.0010

FILE: ENVIRONMENTAL COVENANT ADDENDUM

COORDINATE SYSTEM: NAD 1983 STATEPLANE WASHINGTON NORTH FIPS 4601 FEET, MAP ROTATION: 0
 -- SAVED BY: S RAY ON 4/28/2023 11:29:53 AM, FILE PATH: T:\HAACK BROTHERS\424198 HAACK BROTHERS\2-APPROX ENVIRONMENTAL COVENANT ADDENDUM.APPX, LAYOUT NAME: FIG 3-8.5X11



	FINAL PERFORMANCE SAMPLES	As - 05 BGS	CONTAMNANT OF CONCERN AT APPROXIMATE DEPTH IN FEET BELOW GROUND SURFACE (BGS)
	APPROXIMATE LOCATION OF PROPERTY PERIMETER FENCE	As	ARSENIC
	APPROXIMATE REMEDIATION AREAS	Cd	CADMIUM
	APPROXIMATE SUBJECT PROPERTY BOUNDARY	Pb	LEAD
	SAMPLING GRID LAYOUT ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE	TOTAL ESTIMATED SOIL VOLUME -670YDS ³	
	APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS ³)		

PROJECT: HAACK BROTHER HOMES
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

TITLE: LOCATIONS OF REMEDIAL EXCAVATIONS ON THE PROPERTY

DRAWN BY: S. RAY PROJ. NO.: 424198.0001.0000

CHECKED BY: W. WEISBERG

APPROVED BY: W. WEISBERG

DATE: APRIL 2023

FIGURE 3

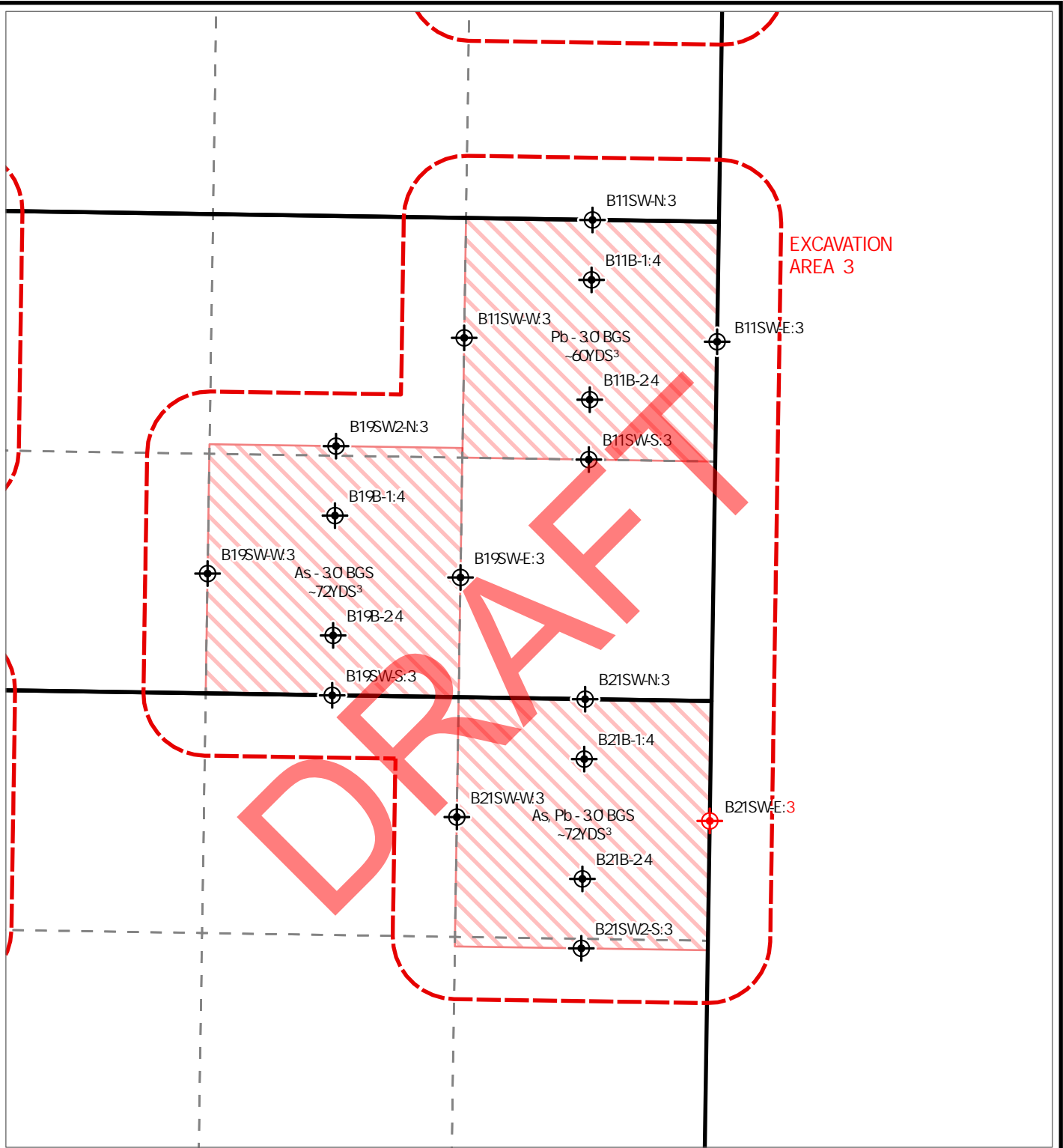
BASE MAP: SNOHOMSH COUNTY GIS DATA PORTAL (2020).
 DATA SOURCES: TRC, OPENSTREETMAP, SNOHOMSH COUNTY.

0 25 50 FEET
 1:600 1" = 50'

TRC 1180 NW MAPLE STREET, SUITE 310
 ISSAQUAH, WA 98027
 PHONE: 425.395.0010

FILE: ENVIRONMENTAL COVENANT ADDENDUM

COORDINATE SYSTEM: NAD 1983 2011 STATEPLANE WASHINGTON NORTH FIPS 4601 FT US. MAP ROTATION: 0
 -- SAVED BY: SRAY ON 4/28/2023 11:29:53 AM. FILE PATH: T:\HAACK BROTHERS\424198 HAACK BROTHERS\424198 HAACK BROTHERS\ENVIRONMENTAL COVENANT ADDENDUM.APRX. LAYOUT NAME: FIG 4-R-5X11



	FINAL PERFORMANCE SAMPLE LOCATION
	PERFORMANCE SAMPLE LOCATION WITH CONCENTRATION EXCEEDING THE MCA METHOD A CUL IN ARSENIC
	APPROXIMATE REMEDIATION AREA
	APPROXIMATE SUBJECT PROPERTY BOUNDARY
	APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
	SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE

CUL = CLEANUP LEVEL.
 DATA SOURCES: TRC, OPENSTREETMAP, SNOHOMSH COUNTY.

1:180 1" = 15'

PROJECT: HAACK BROTHER HOMES 413 AND 419 ROCKEFELLER AVENUE EVERETT, WASHINGTON	
TITLE: EASTERN PROPERTY BOUNDARY SOIL EXCEEDANCE	
DRAWN BY: S. RAY	PROJ. NO.: 424198.0001.0000
CHECKED BY: W. WEISBERG	FIGURE 4
APPROVED BY: W. WEISBERG	
DATE: APRIL 2023	
1180 NW MAPLE STREET, SUITE 310 ISSAQUAH, WA 98027 PHONE: 425.395.0010	
FILE:	ENVIRONMENTAL COVENANT ADDENDUM

Attachment 1
Original Environmental Covenant

DRAFT



200812050469 5 PGS
12/05/2008 3 15pm \$46.00
SNOHOMISH COUNTY, WASHINGTON

After Recording Return to
City of Everett
3200 Cedar Street
Everett, WA 98201
Attn: Mike Palacios, Real Property Manager

ENVIRONMENTAL COVENANT

For Legion Memorial Golf Course

Grantor	City of Everett
Grantee	City of Everett
Legal	Portions of the Sections 17 and 21, Township 29N, Range 5 East of the Willamette Meridian, Snohomish County, Washington Referred to as "Legion Memorial Golf Course," 144 West Marine View Drive Everett, WA 98201 Additional legal description attached
Tax Parcel Nos	29050800200300, 29050800300100, 00438610400600, 29051700201700
Cross Reference	None

This Declaration of Covenant is made pursuant to RCW 70 105D 030(1)(f) and (g) and WAC 173-340-440 by the City of Everett ("City"), a municipal corporation, and its successors and assigns.

The undersigned, the City of Everett is the fee owner of real property ("Property") in the County of Snohomish, State of Washington, that is subject to this Covenant. The Property is legally described in Attachment A of this Covenant and made a part hereof by reference.

The Property that is the subject of this environmental covenant has been the subject of remedial actions under the Washington State Model Toxics Control Act ("MTCA"), Chapter 70.105D (hereafter "Remedial Action"). The Remedial Action conducted at the property is described in the following document *East Marine View Drive Widening and Legion Memorial Golf Course Improvement Independent Remedial Action Report*, prepared for the City by Hydrometrics, Inc., dated December 1998. This document is on file at the Northwest Regional Office of the State of Washington Department of Ecology ("Ecology").

This Covenant is required because the Remedial Action resulted in residual concentrations of arsenic that exceed the Model Toxics Control Act Method A residential cleanup level for soil established under WAC 173-340-740 ("contaminated soil").

The City makes the following declaration as to limitations and restrictions 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 ("Owner").

Section 1 A portion of the Property contains contaminated soil located under the parking lot and clubhouse facilities. The Owner shall not alter, modify, or remove the existing structures 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. The Owner may conduct parking lot and building maintenance, redevelopment or expansion that maintains or increases the containment function of the structures or that meets the applicable soil profile specified by Ecology in the *Everett Smelter Site Integrated Final Cleanup Action Plan and Final Environmental Impact Statement for the Upland Area* (Ecology 1999) as may be amended by Ecology from time-to-time ("Everett Smelter Site FCAP/FEIS").

Section 2 The Owner shall not modify areas of the Property on which residual contaminated soil is located and capped by sand or turf, except as follows

a Any future redesign and reconfiguration of entire holes or overall renovation of the golf course that disturbs contaminated soil on the Property shall follow the work plan summarized on Table 2 of, and further described in, the *East Marine View Drive Widening and Legion Memorial Golf Course Improvements Independent Remedial Action Report*. The City may request Ecology's review and concurrence on changes, if any, in the work plan

b As part of normal operations, improvements, and maintenance of the golf facility, the Owner shall maintain and implement a set of protective procedures to be used in maintaining any areas of the Property where contaminated soil remains (hereafter "Golf Course Maintenance Program"). The golf course maintenance program shall include worker training, use of protective clothing, isolation of temporarily stockpiled soils with a plastic barrier, backfilling of any new utility trenches with clean material, and proper management of any soils that require removal off-site

c The Golf Course Maintenance Program shall also include maintenance of the integrity of the capped areas, including (i) the maintenance of not less than four inches of clean sand or soil on fairways, tees, and greens, (ii) turf and landscaping in areas of the rough that are not capped by sand or other features (e.g., impervious surfaces, ponds), (iii) the periodic topdressing and maintenance of turf on Fairway No. 12, unless and until the hole is renovated and capped or meets the applicable soil profile in the Everett Smelter Site FCAP/FEIS, and (iv) procedures for construction or maintenance of golf course or other utilities or facilities that may be located on or traverse the Property

d Except for activities performed in accordance with the Golf Course Maintenance Program, any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork

e If the use of the Property were to change from a golf course, then either the applicable soil profile specified in the Everett Smelter Site FCAP/FEIS shall be met for such use,

or approval from Ecology must be obtained for any further institutional controls or other remedial actions that may be necessary to protect human health and the environment required by MTCA

Section 3 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 4 The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any fee interest in the Property. No conveyance of title, easement, 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 below governs leases)

Section 5 The Owner must restrict leases for uses of the Property other than the clubhouse or pro shop, if any, to uses and activities consistent with the 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 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 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

CITY OF EVERETT

By Ray Stephanson
Ray Stephanson, Mayor

12-5-08
Date

Attest Sharon Marks
Sharon Marks, City Clerk

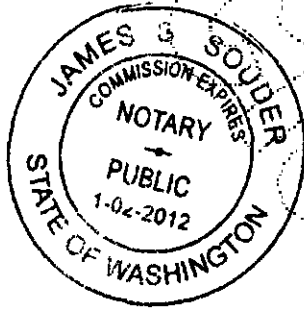
Approved as to Form James D. Iles
James D. Iles, City Attorney

Attachments

STATE OF WASHINGTON)
) ss
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that RAY STEPHANSON is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the MAYOR of the City of Everett to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

DATED 12-05-08



James Souda

Notary Public in and for the State of Washington,
residing at MARYSVILLE
My Commission Expires 1-02-12

Exhibit A

CITY OF EVERETT DEPARTMENT OF PARKS AND RECREATION

LEGAL DESCRIPTION

LINE OF DEMARCATION FOR LEGION GOLF COURSE CLEAN-UP ACTION PLAN

A LINE OF DEMARCATION THROUGH A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND GOVERNMENT LOT 4, SECTION 8, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M., SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S 0°52'16" W ALONG THE WEST LINE OF SAID SECTION 521.02 FEET TO THE WESTERLY PROLONGATION OF THE NORTH MARGIN OF 3RD STREET AS SHOWN ON THE PLAT OF EVERETT DIVISION "S", PER PLAT RECORDED IN VOLUME 6 OF PLATS, PAGE 39, RECORDS OF SAID COUNTY;
THENCE S 87°59'44" E ALONG SAID PROLONGATION AND MARGIN 310.64 FEET TO THE NORTHERLY PROLONGATION OF THE CENTERLINE OF THE ALLEY ABUTTING THE EAST LINE OF BLOCK 89 IN SAID PLAT;
THENCE S 2°00'16" W ALONG SAID PROLONGATION AND CENTERLINE 542.15 FEET TO THE TRUE POINT OF BEGINNING;
THENCE N 28°40'00" E 526.56 FEET;
THENCE N 38°28'00" E 271.62 FEET TO INTERSECT THE ARC OF A CURVE AT A POINT FROM WHICH THE CENTER LIES N 19°36'04" W 235.95 FEET DISTANT;
THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 45°19'21", AN ARC LENGTH OF 186.64 FEET;
THENCE N 2°41'46" E 159.00 FEET TO A 6 FOOT CHAIN LINK FENCE;
THENCE ALONG SAID FENCE BY THE FOLLOWING COURSES AND DISTANCES;
THENCE CONTINUING N 2°41'46" E 24.66 FEET;
THENCE N 7°21'14" E 175.42 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 700.00 FEET;
THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°55'03", AN ARC LENGTH OF 108.93 FEET TO A POINT OF TANGENCY;
THENCE N 1°33'49" W 80.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 534.17 FEET;
THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°20'21" AN ARC LENGTH OF 115.04 FEET TO A POINT OF TANGENCY;
THENCE N 13°54'10" W 148.44 FEET;
THENCE N 14°50'29" W 208.02 FEET;
THENCE N 15°49'36" W 118.73 FEET MORE OR LESS TO THE SOUTHERLY MARGIN OF ALVERSON BOULEVARD AND THE TERMINUS OF SAID FENCE AT IT'S INTERSECTION WITH A 4 FOOT CHAIN LINK FENCE ON SAID MARGIN.

OSTERGAARD-ROBINSON & ASSOCIATES, INC.
3630 COLBY AVENUE
EVERETT, WASHINGTON 98201
425/259-6445
C:/96146.LEG



Attachment 2
Property NFA Letter

DRAFT



Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

January 6, 2023

Joel Haack
Haack Brothers Homes
3922 87th Avenue NE,
Marysville, WA 98270
(joel@haackbrothers.com)

RE: No Further Action opinion for the following Property associated with a contaminated Site

Site name: Legion Memorial Golf Course
Property address: 413 Rockefeller Avenue, Everett, Washington
Facility/Site ID: 9311679
Cleanup Site ID: 1653
VCP Project No.: NW3268

Dear Joel Haack:

The Washington State Department of Ecology (Ecology) received your request on June 15, 2022 for an opinion regarding the sufficiency of the Property cleanup associated with the Legion Memorial Golf Course (LMGC; Site) under the Voluntary Cleanup Program (VCP).¹ We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter [70A.305](#) RCW.²

Opinion

Ecology has determined that no further remedial action is necessary at the Property to clean up contamination associated with the Site. However, further remedial action remains necessary elsewhere at the Site to clean up contamination.

This opinion depends on the continued performance and effectiveness of the post-cleanup controls and monitoring specified in this letter and in the environmental covenant in **Enclosure A**.

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in Chapter 70A.305 RCW and Chapter [173-340](#) WAC³ (collectively called “MTCA”).

Property Description

This opinion applies only to the Property described in this section, which was affected by release(s) at the Site and addressed by your cleanup. The Property includes the following parcel of real property in Snohomish County:

- 00438610400600

Enclosure B includes a legal description of the Property. **Enclosure C** includes a detailed description and diagrams of the Site and the Property.

Site Description

This opinion applies to only the Site described in this section. The Site is defined by the nature and extent of contamination associated with the following release:

- Arsenic, lead, and cadmium into the Soil.

Enclosure C includes the Site description, history, and diagrams.

Please note that releases from multiple sites can affect a parcel of real property. This Property is located within the boundary of the Everett Smelter site (Ecology facility 2744). This opinion does not apply to the Everett Smelter site or any other sites that may affect the Property.

Basis for the Opinion

This opinion is based on the information contained in the documents listed in **Enclosure D**. A number of these documents are accessible in electronic form from the [Site web page](#)⁴. The complete records are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Visit our [Public Records Request Page](#)⁵ to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or 360-407-6040.

This opinion is void if any of the information contained in the documents is materially false or misleading.

³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

⁴ <https://apps.ecology.wa.gov/cleanupsearch/site/1653>

⁵ <https://ecology.wa.gov/Footer/Public-records-requests>

Analysis of the Cleanup

Ecology has concluded that no further remedial action is necessary at the Property to clean up contamination associated with the Site. However, Ecology has also concluded that further remedial action is still necessary to clean up contamination elsewhere at the Site. Ecology bases its conclusions on the following analysis:

Characterizing the Site

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards for the Site and selecting a cleanup action for the Property. **Enclosure C** describes the Site.

- **Soil.**

From 1894 to 1912, operations at the Asarco Everett Smelter resulted in the release of arsenic, lead, and cadmium to shallow soils. Particulate matter from smokestack emissions containing high amounts of these metals settled onto the surrounding area, resulting in contamination to shallow soils. The Property is located approximately 0.5 miles west of the location of the former smelter, within the known extent of arsenic, lead, and cadmium contamination.

Characterization activities conducted at the Site in 1995 and 2008 indicated that soil contaminated with arsenic above the Method A cleanup level was present at the Property. Further soil characterization activities conducted in January 2021 at the Property confirmed arsenic, lead, and cadmium were present on the Property at depths from 0.5 to 5 feet below ground surface (bgs). Performance soil samples collected during remedial excavations conducted at the Site in October 2021 defined the lateral and vertical extent of soil contamination on the Property, and confirmed that all contaminated soils within the Property boundary were removed from the Property.

- **Groundwater.**

Based on the results of previous investigations conducted at the Site, groundwater is not expected to be impacted by soil contamination. Groundwater was not encountered in any borings or excavations on the Property. Based on the results of previous investigations, groundwater is located more than 50 feet bgs in this portion of the Site.

Setting cleanup standards for the Site

Ecology has determined the cleanup levels and points of compliance you set for the Site meet the substantive requirements of MTCA.

- **Soil**

MTCA Method A soil cleanup levels for unrestricted uses (WAC 173-340-740(2); Table 740-1) with the standard point of compliance throughout the Site to a depth of 15 feet bgs (WAC 173-340-740(6)(d)) are appropriate.

A Terrestrial Ecological Evaluation (TEE) has already been completed for this Site in previous investigations. The standard Method A soil cleanup levels and point of compliance as discussed above are appropriate at the Site.

Selecting the cleanup action for the Property

Ecology has determined the cleanup action you selected for the Property meets the substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not preclude reasonable cleanup alternatives elsewhere at the Site per WAC 173-340-360(2).

The cleanup action selected in the *Cleanup Action Report, Legion Lots Haack Parcels, 413 and 419 Rockefeller Avenue, Everett Washington*, dated May 2, 2022 (2022 CAR), includes the excavation and off-Property disposal of soils containing arsenic, lead, and cadmium above the Method A cleanup levels. This cleanup action is protective of exposure pathways at the Property and does not disturb the existing cleanup at the remainder of the Site.

Implementing the cleanup action

Ecology has determined your cleanup of the Property meets the cleanup standards set for the Site. The cleanup involved the removal of contaminated soil from the Site, described in detail in **Enclosure C**. A total of approximately 805 tons of soils contaminated with arsenic, lead, and cadmium were excavated from 6 excavation areas on the Property. Performance soil samples collected from the final limits of each excavation confirmed that the remedial excavations were successful in removing all soil containing arsenic, lead, and cadmium above the Method A cleanup levels from the Property.

One soil sample collected from the eastern sidewall of Excavation 3 contained arsenic above the Method A cleanup level (**Enclosure C, Figure 7**). This sample was collected along the eastern Property boundary with LMGC and is representative of conditions on that parcel. Due to the complete removal of all soils containing arsenic, lead, and cadmium above cleanup levels from the Property, no further action is needed to ensure cleanup standards are met on the Property.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed to ensure compliance with cleanup standards. Ecology is issuing this No Further Action opinion based on the continued performance and effectiveness of the following post-cleanup remedial actions at the Property. Ecology may rescind this opinion if these remedial actions are not performed or are not effective in maintaining cleanup standards.

Compliance with institutional controls

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to contamination. The following site-specific institutional controls were recorded at the LMGC Site:

- Environmental Covenant 200812050469, recorded 12/5/2008.

To implement the controls, an environmental covenant was recorded on the following parcels of real property in Snohomish County:

- 29050800200300
- 29050800300100
- 00438610400600 (Property)
- 29051700201700

Ecology approved the recorded environmental covenant, but was not a signatory on the covenant itself (see **Enclosure A**). Based on Ecology's analysis of your cleanup, the Environmental Covenant recorded for the LMGC Site is no longer needed at the Property. Ecology will work with you to record an amendment to the existing Environmental Covenant which releases the Property from the restrictions of the covenant.

Following the issuance of this letter, Ecology will follow the general procedure in [Toxics Cleanup Program Procedure 440C: Releasing Environmental Covenants Under the Model Toxics Control Act](#)⁶, revised December 2016. Since the existing environmental covenant will remain in place and an amendment be recorded to release the Property from its requirements, the exact steps of the Procedure may differ.

⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/1509057.html>

Operation and maintenance of engineered controls

Engineered controls prevent or limit movement of, or exposure to, contamination. Based on Ecology's analysis of the 2022 CAR, engineered controls are no longer necessary on the Property. The continued performance of existing engineered controls at the remainder of the Site remains necessary (see **Enclosure A**).

Listing of the Site

Based on this opinion, Ecology will update the Site status on its contaminated site database. However, because further remedial action is still necessary elsewhere at the Site, Ecology will not remove the Site from its lists of contaminated sites. Furthermore, the Property will remain listed as part of the Site because the Property cleanup does not change Site boundaries.

Limitations of the Opinion

Opinion does not settle liability with the state

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW [70A.305.040](#)(4).⁷

Opinion does not constitute a determination of substantial equivalence

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW [70A.305.080](#)⁸ and WAC [173-340-545](#).⁹

⁷ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

⁹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

State is immune from liability

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 opinion. See RCW [70A.305.170](#)(6).¹⁰

Termination of Agreement

Thank you for cleaning up the Property under the Standard VCP process. This opinion terminates the VCP Agreement governing VCP Project No. NW3268. If you should decide to clean up the remainder of the Site, you can re-apply and request additional services under the VCP.

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (206) 459-6287 or email at david.unruh@ecy.wa.gov .

Sincerely,



David Unruh, LG
Toxics Cleanup Program, NWRO

Enclosures (4):

- A – Environmental Covenants for Institutional Controls
- B – Property Legal Description
- C – Site Description, History, and Diagrams
- D – Basis for the Opinion: List of Documents

cc: Thomas Morin, TRC Environmental Corporation (tmorin@trccompanies.com)
Sonia Fernández, VCP Coordinator (sonia.fernandez@ecy.wa.gov)
Fiscal, VCP Fiscal Analyst (kelli.barker@ecy.wa.gov) (w/o encl)
TCP, Operating Budget Analyst (tra.thai@ecy.wa.gov) (w/o encl)

¹⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

Enclosure A

Environmental Covenants for Institutional Controls

Enclosure B

Property Legal Description

Joel Haack
January 6, 2023
Page 10

Parcel 00438610400600 Legal Description

Section 08 Township 29 Range 05 Quarter SW EVERETT DIV S PLAT OF BLK 104 D-00 PAR A CITY
EV BLA FILE NO BLA19-011 REC AFN 201912185007 AMD BY REC AFN 202009115004 & DEC OF
OWNERSHIP REC AFN201912180588 BEING PTN BLK 104 SD PLAT

Enclosure C

Site Description, History, and Diagrams

Site Description

This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinions expressed in the body of the letter.

Site: The Site is defined as releases of the following in Everett, Snohomish County, Washington (**Figure 1, Figure 2**):

- Arsenic, lead, and cadmium into the Soil.

The Site is located at 145 and 149 Alverson Boulevard and 413 Rockefeller Avenue, and consists of the following three Snohomish County tax parcels:

- 29050800200300 (145 Alverson Boulevard)
- 29050800300100 (149 Alverson Boulevard)
- 00438610400600 (413 Rockefeller Avenue)

The Haack Parcels (the Property; **Figure 3**) are located on the west side of the Site at 413 Rockefeller Avenue (parcel 00438610400600).

According to MTCA, the Site is defined as all areas where contamination has come to be located.

Area and Property Description: The Site is located in a mixed recreational and residential area in Everett. The Property is bounded to the south and east by LMGC, to the north by single family residences and 4th Street, and to the west by Rockefeller Avenue. The Property is currently developed with six single-family homes, which are designated as Lot 1 through Lot 6 from south to north (**Figure 3**). The use of surrounding properties includes the following:

- Single-family residences are located to the north and west.
- A golf course is located to the east and south.

Property History and Current Use: Legion Memorial Park was first developed in 1933. The Property was a part of Legion Memorial Park by 1950, which included the current extent of LMGC east of Rockefeller Avenue. The Property remained as a part of Legion Memorial Park and subsequently LMGC until 2019 when it was rezoned for residential use. The Property is currently developed with six single-family residences.

Sources of Contamination: From 1894 to 1912, smelter operations resulted in the release of airborne particulate matter with high concentrations of arsenic and lead to the area surrounding the smelter. The Property is located approximately 0.5 miles west of the location of the former smelter. Shallow soil samples collected from LMGC indicated arsenic was present above the Method A cleanup level on the Property.

Physiographic Setting: The Site is located within the Puget Sound Lowland Physiographic Province, a north-south trending structural and topographic depression that is bordered on its west side by the Olympic Mountains, and to the east by the Cascade Mountain foothills. The Puget Sound Lowland is underlain by Tertiary volcanic and sedimentary bedrock, and has been filled to the present-day land surface with Pleistocene-aged glacial and nonglacial sediments.

The Property is located on the north end of the Everett Uplands, a north-south trending topographic high bounded on the east by the Snohomish River Valley and on the west by the Puget Sound. The ground surface at the Property is located at 80 feet above mean sea level (amsl) and is mostly flat.

Surface/Storm Water System: Stormwater runoff on and in the vicinity of the Property disperses via sheet flow to catch basins connected to the City of Everett stormwater system. The nearest surface water body is Puget Sound, located approximately 2,000 feet east.

Ecological Setting: The Site is zoned for low-density residential use. Adjoining properties to the north and west are also zoned for low-density residential use. Properties to the east and south are zoned as a park/open space. Surrounding properties to the north and west are mostly covered with impervious surfaces with some small landscaped areas. The Property is located adjacent to LMGC, which includes landscaped trees and open areas for golfing. A small pond is located immediately south of the Property.

Geology: The [geologic map of the area](#)¹¹ indicates that the Site is underlain by Vashon Till, a dense diamict with varying amounts of sand, silt, and gravel. The Property is underlain by fill materials placed to a maximum depth of 6.5 feet bgs. Fill materials are underlain by very stiff silt with sand to sandy silt, interpreted to be Vashon Till, to the maximum explored depth of 10 feet bgs.

Groundwater: No monitoring wells are present on the Property. Groundwater has not been encountered in borings and excavations on the Property to the maximum explored depth of 10

¹¹ https://ngmdb.usgs.gov/Prodesc/proddesc_7476.htm

feet bgs. Groundwater depths in resource protection wells located 1,500 feet northwest and approximately 80 feet downhill of the Site average at approximately 6.5 feet bgs. Anticipated depth to groundwater at the Site is greater than 50 feet bgs.

Water Supply: Drinking water is supplied to the Property by water mains operated by the City of Everett. Water for the City is sourced from the Spada reservoir, located approximately 25 miles east of the Site. The Site is located approximately 2.2 miles southeast of the nearest 10-year wellhead protection zone for a water supply well.

Release and Extent of Contamination:

Site conditions prior to remedial actions: Subsurface investigations at the LMGC Site were described in the *Remedial Investigation, Everett Smelter Site, Everett, Washington*, dated September 1995 (1995 RI). A total of 412 soil characterization samples were collected from 103 discrete locations at depths ranging from 0 to 2 feet bgs. Sample results indicated that concentrations of arsenic and lead were greatest on the east side of the Site, closest to the location of the former smelter (**Figure 2**). Soil samples collected in the vicinity of the Property contained arsenic above the Method A cleanup level (**Figure 2**). Due to the lack of shallow groundwater in borings and anticipated regional groundwater depth (greater than 50 feet bgs), soil leaching to groundwater pathway is not considered complete at this Site. Therefore, groundwater was not investigated.

According to reports described in the 2022 CAR, fill soils were stored on the Property during retention pond construction to the south (Lake 5, **Figure 2**). Following a removal of a portion of the stockpiled fill material from the Property, samples were collected from shallow soil around the area of the stockpile. One soil sample, reportedly collected from the north side of the stockpile contained arsenic above the Method A cleanup level. A sampling report was not generated for this work; the precise location of this sample is unknown.

A targeted subsurface investigation of the Property was conducted in 2019 to assess shallow soils on the north side of the Property. Four test pits were advanced to a maximum of 7 feet bgs in the northern portion of the Property (Lot 5 and Lot 6) to assess the concentrations of lead and arsenic in native soils (TP-1 to TP-4; **Figure 4**). Lead and arsenic were not detected above the Method A cleanup level at any sample. Based on recommendations in Ecology's 2020 *Opinion*, an expanded subsurface sampling plan was implemented at the Property.

Soil sampling in accordance with Ecology's residential sampling requirements for properties within the Everett Smelter Cleanup area was conducted in January 2021. Ten direct-push borings were advanced in each lot to 10 feet bgs for a total of 60 borings at the Property (B-1 through B-60, **Figure 3**). Up to two samples were collected from fill material from 0.5 to 5 feet bgs. Two samples of native material were also collected from each boring at 0 to 6 inches and 18 to 24 inches below the contact with fill material. Soil samples collected from borings B-1, B-11, B-14, B-15, B-19, B-21, B-24, B-25, B-41, and B-56 contained contaminants above their respective cleanup levels (**Figure 3**). Results of soil samples collected from the Property are further summarized in **Table 1**.

Remedial Actions: Based on the results of sampling activities in January 2021, six excavation areas for soils contaminated with lead, arsenic and cadmium were identified at the Property (Excavation Area 1 to Excavation Area 6, **Figure 3**). A total of 805 tons of known and potentially contaminated soil from the six excavation areas was excavated and removed from the Property in October 2021 for disposal at a permitted facility. **Table 2** summarizes the extents of the excavations and location of confirmation soil samples. The extent of the excavations and locations of confirmation soil samples are shown on **Figure 5** through **Figure 10**.

With the exception of B21SW-E:3 (Excavation Area 3; **Table 2; Figure 7**), all confirmation soil samples did not contain arsenic, lead, or cadmium above the Method A cleanup levels. Sample B21SW-E:3 was collected from the eastern sidewall of Excavation Area 3 along the eastern Property boundary with the LMGC.

Table 1

Sample	Depth (ft bgs)	Soil Designation	Arsenic (mg/kg)	Cadmium (mg/kg)	Lead (mg/kg)
B-1	0.5	Fill	27	< 1	66.1
B-11	3	Native	8.82	< 1	331
B-14	3	Fill	20.6	< 1	54
B-15	3	Fill	28.2	1.09	947
B-19	3	Fill	33.5	1.32	153
B-21	3	Fill	29.8	< 1	439
B-24	5	Fill	26.3	< 1	43.6
B-25	2.5	Fill	20.5	< 1	37.1
B-41	2.5	Fill	13	2.04	26
B-56	3	Fill	42.9	1.26	64.9
Method A Cleanup level for unrestricted use			20	2	250

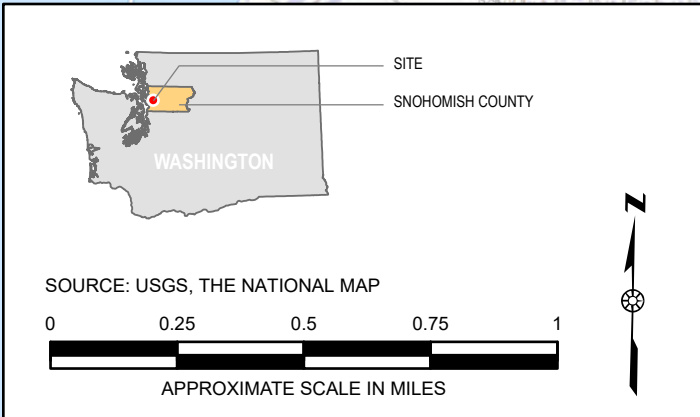
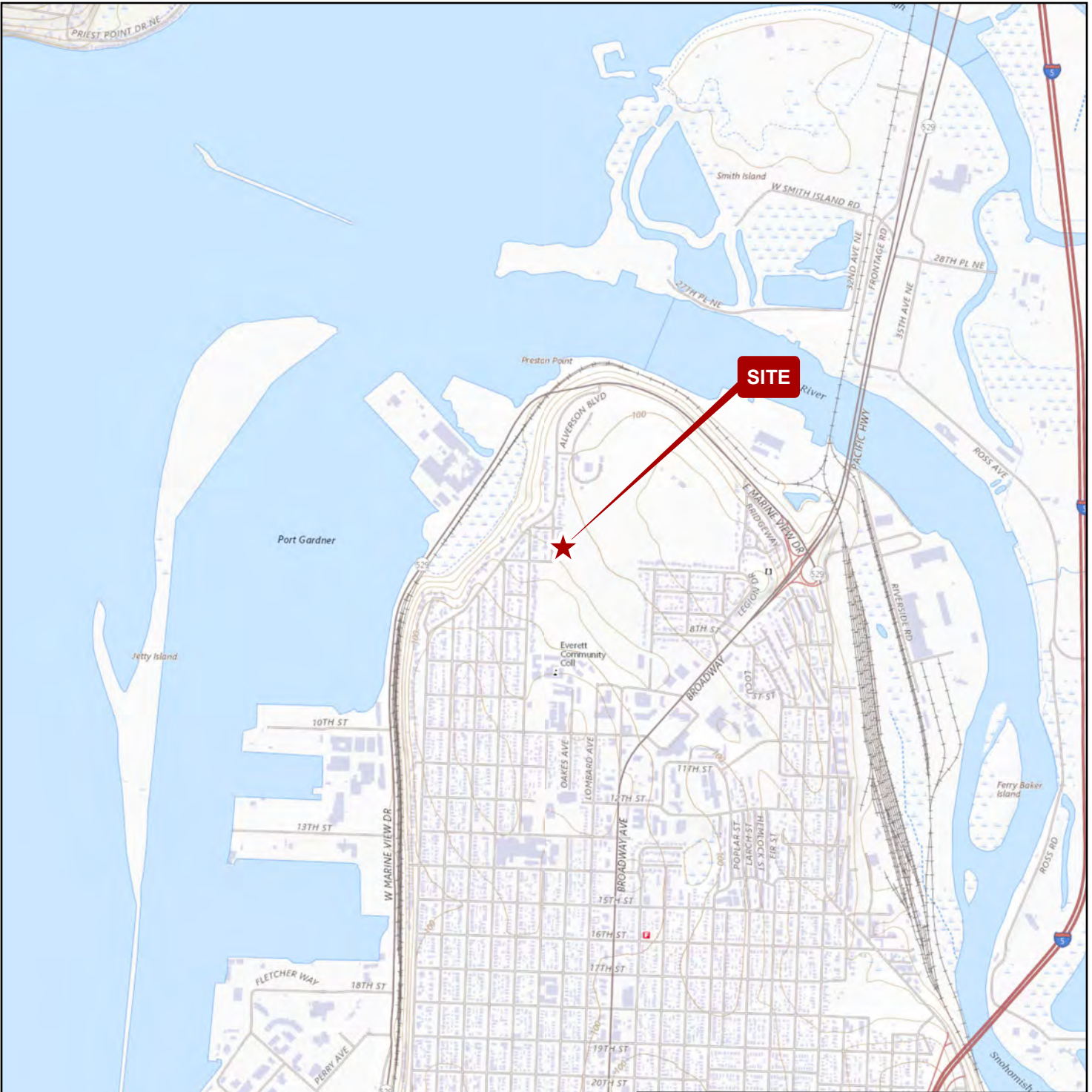
Bold – Indicates that analyte exceeds the Method A cleanup level for unrestricted use.

< - indicates that the analyte was not detected above the method detection limit.

mg/kg = milligrams per kilogram

Table 2

Excavation	Excavation total depth (feet bgs)	Soil removed (tons)	Confirmation sample locations (sample location – sample depth)
Area 1 (Figure 5)	1.5 – north end 2.5 – south end	70	Four sidewall – 0.5 feet bgs Three bottom – 1.5 and 2.5 feet bgs.
Area 2 (Figure 6)	4 – southeast and northwest corners 5 – southwest and northeast corners	165	Six sidewall – 3 feet bgs Six bottom – 4 and 5 feet bgs
Area 3 (Figure 7)	4	270	14 Sidewall – 3 feet bgs Six bottom – 4 feet bgs
Area 4 (Figure 8)	3.5 – northwest corner 4.5 – southwest corner 6 – east half	165	Seven sidewall – 2.5 feet bgs Western half, 5 feet bgs eastern half Five bottom - 3.5, 4.5, and 6 feet bgs
Area 5 (Figure 9)	3.5	66	Four sidewall – 2.5 feet bgs Two bottom – 3.5 feet bgs
Area 6 (Figure 10)	4	69	Five sidewall – 3 feet bgs Two bottom – 4 feet bgs



1180 NW MAPLE ST, SUITE 310
 ISSAQUAH, WA 98027
 425.395.0010
 WWW.TRCCOMPANIES.COM

Enclosure C Figure 1

FIGURE 1
 GENERAL VICINITY MAP

REPORT
 CLEANUP ACTION REPORT

PREPARED FOR
 HAACK BROTHERS HOMES

LOCATION
 413 AND 419 ROCKEFELLER AVE
 EVERETT, WASHINGTON

PROJECT NUMBER
 424198.0001.0000

DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW



SCALE
 (In Feet) 400
 0 [Scale bar] 400



LEGEND

- EAST MARINE VIEW DRIVE PROJECT BOUNDARY
- LEGION MEMORIAL GOLF COURSE PROJECT BOUNDARY
- <20 PPM ARSENIC ISO-CONCENTRATION CONTOUR
- >20 PPM ARSENIC ISO-CONCENTRATION CONTOUR
- >50 PPM ARSENIC ISO-CONCENTRATION CONTOUR
- >100 PPM ARSENIC ISO-CONCENTRATION CONTOUR
- >150 PPM ARSENIC ISO-CONCENTRATION CONTOUR
- >200 PPM ARSENIC ISO-CONCENTRATION CONTOUR
- NEW FAIRWAYS
- Haack Parcels approximate location

Enclosure C Figure 2



NOTES:

- SOIL BORING LOCATION
- SOIL BORING LOCATION WITH CONCENTRATION EXCEEDING A MTCA METHOD A CLEANUP LEVELS
- SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
- ▨ APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
- ▭ APPROXIMATE REMEDIATION AREAS
- ▭ APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY
- ⊢ APPROXIMATE LOCATION OF PROPERTY PERIMETER FENCE

As - 0.5' BGS	CONTAMINANT OF CONCERN AT APPROXIMATE DEPTH IN FEET BELOW GROUND SURFACE (BGS)
As	ARSENIC
Cd	CADMIUM
Pb	LEAD

TOTAL ESTIMATED SOIL VOLUME ~670 YDS³

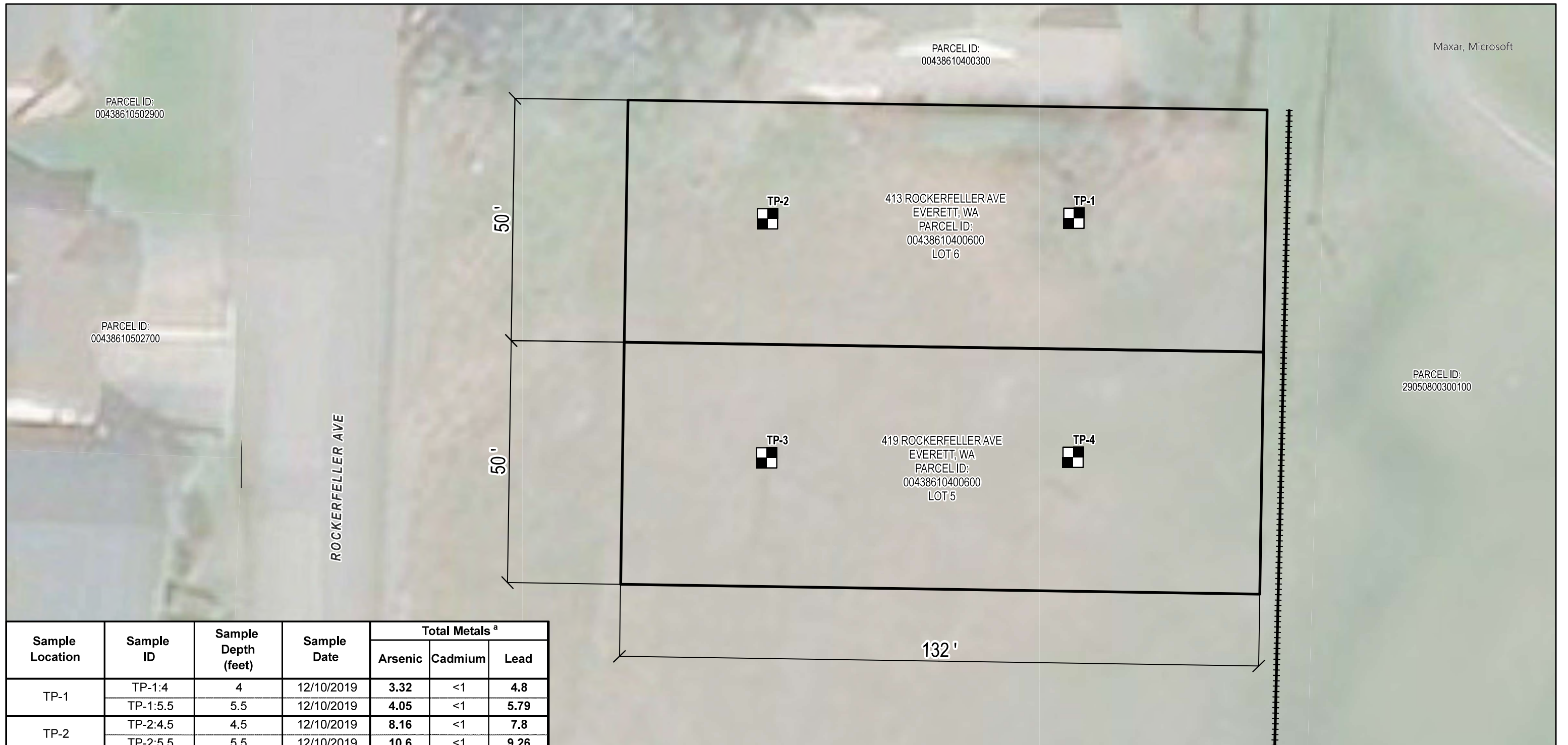
30 15 0 30

APPROXIMATE SCALE IN FEET

1180 NW MAPLE ST, SUITE 310
ISSAQUAH, WA 98027
425.395.0010
WWW.TRCCOMPANIES.COM

FIGURE 5
REMEDIAL EXCAVATION AREAS Enclosure C Figure 3

REPORT CLEANUP ACTION REPORT	PREPARED FOR HAACK BROTHERS HOMES
LOCATION 413 AND 419 ROCKEFELLER AVENUE EVERETT, WASHINGTON	PROJECT NUMBER 424198.0001.0000
DATE 1/10/22	DRAWN BY KPC
	REVIEWED BY WRW



Sample Location	Sample ID	Sample Depth (feet)	Sample Date	Total Metals ^a		
				Arsenic	Cadmium	Lead
TP-1	TP-1:4	4	12/10/2019	3.32	<1	4.8
	TP-1:5.5	5.5	12/10/2019	4.05	<1	5.79
TP-2	TP-2:4.5	4.5	12/10/2019	8.16	<1	7.8
	TP-2:5.5	5.5	12/10/2019	10.6	<1	9.26
TP-3	TP-3:5.5	5.5	12/10/2019	5.86	<1	6.91
	TP-3:7	7	12/10/2019	8.94	<1	9.58
TP-4	TP-4:4.5	4.5	12/10/2019	12.5	<1	17.8
	TP-4:5.5	5.5	12/10/2019	4.0	<1	3.96
MTCA Method A Soil Cleanup Level for Unrestricted Land Uses^b				20	2	250




Notes:
 All results presented in milligrams per kilogram (mg/kg).

Bold Bold results exceed the laboratory reporting limit.

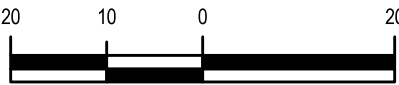
a Analyzed by EPA Method 6020B.

b Model Toxics Control Act (MTCA) Method A Soil Cleanup Levels for Unrestricted Land Uses, Table 740-1, Washington Administrative Code (WAC) 173-340-900.



NOTES:

-  APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY
-  APPROXIMATE LOCATION OF PROPERTY PERIMETER FENCE
-  APPROXIMATE TEST PIT LOCATION

AERIAL IMAGERY: MAXAR, MICROSOFT (2021)
 PARCEL INFORMATION: SNOHOMISH COUNTY (2021)



APPROXIMATE SCALE IN FEET

1180 NW MAPLE ST, SUITE 310
 ISSAQUAH, WA 98027
 425.395.0010
 WWW.TRCCOMPANIES.COM

FIGURE 3 Enclosure C Figure 4
TEST PIT SOIL ANALYTICAL RESULTS

REPORT
 CLEANUP ACTION REPORT

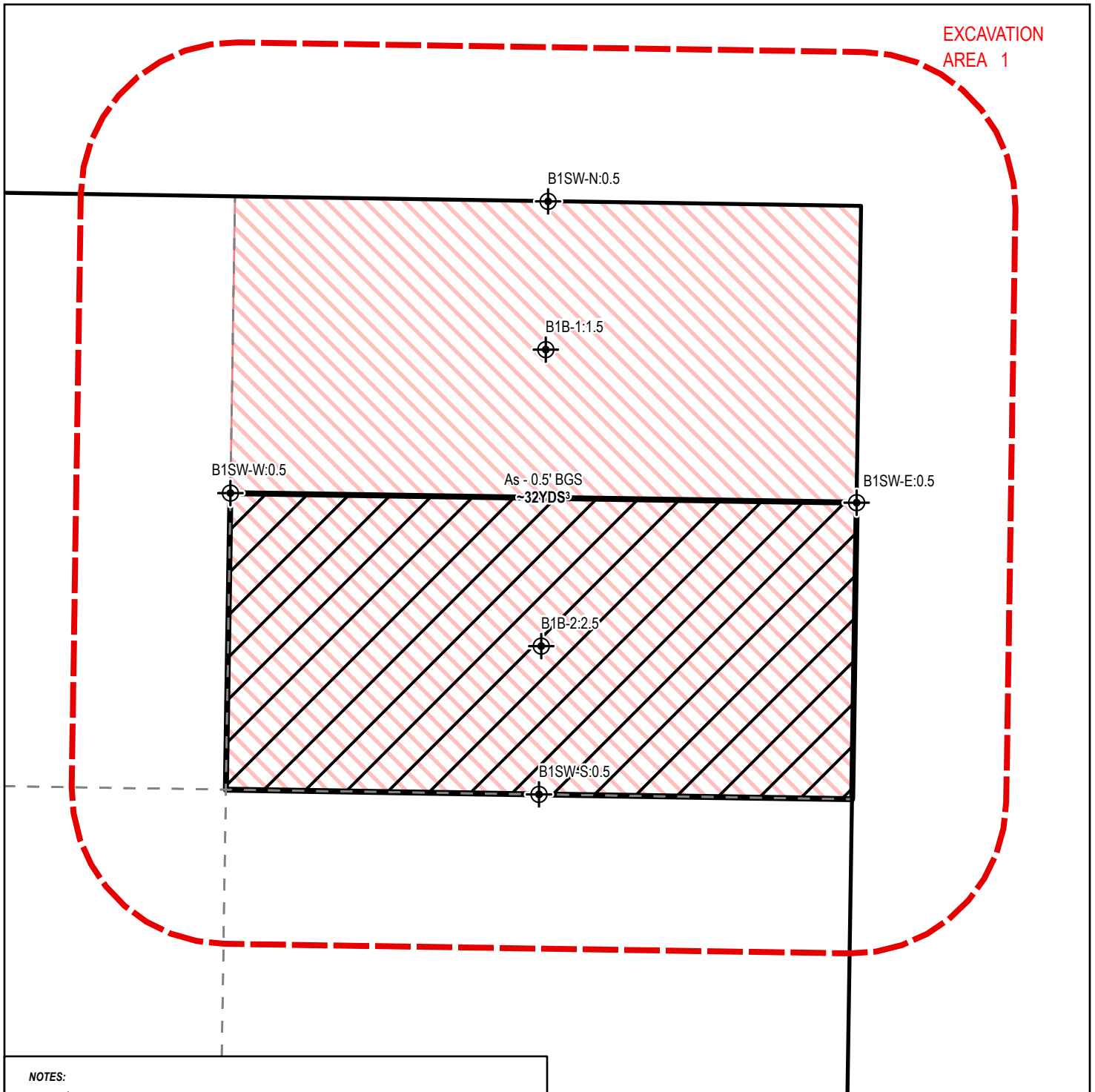
PREPARED FOR
 HAACK BROTHERS HOMES

PROJECT NUMBER
 424198.0001.0000

LOCATION
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

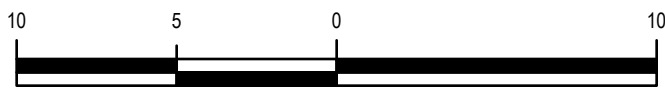
DATE 1/17/22
DRAWN BY KPC
REVIEWED BY WRW

EXCAVATION
AREA 1



NOTES:

- FINAL PERFORMANCE SAMPLE LOCATION
- SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
- APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
- APPROXIMATE REMEDIATION AREAS
- AREA EXCAVATED TO A TOTAL DEPTH OF 2.5'
- APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY



SW-N:3



1180 NW MAPLE ST, SUITE 310
ISSAQUAH, WA 98027
425.395.0010
WWW.TRCCOMPANIES.COM

FIGURE 8
EXCAVATION AREA 1 - FINAL PERFORMANCE
SAMPLES

Enclosure C Figure 5

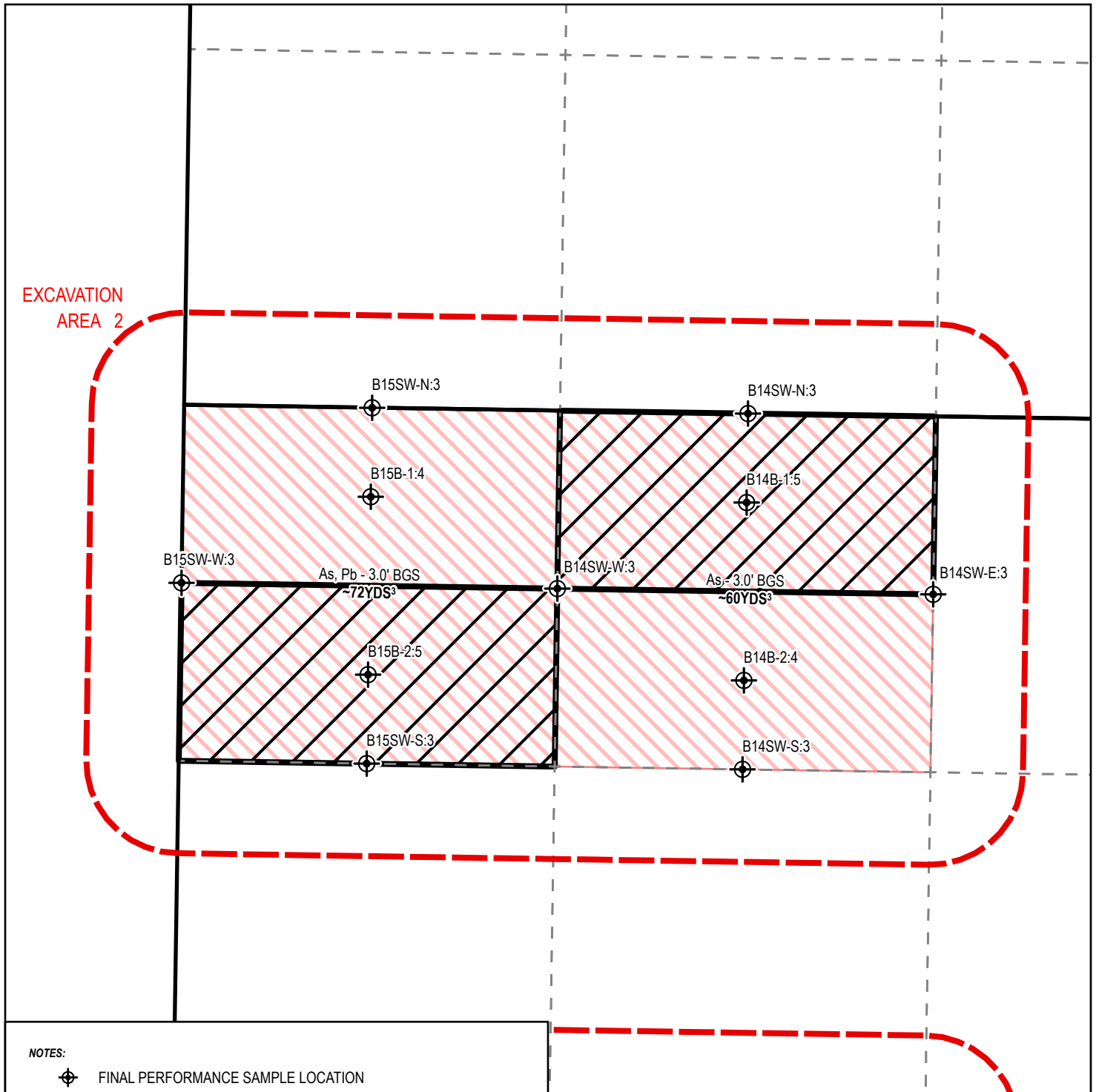
REPORT
CLEANUP ACTION REPORT

PREPARED FOR
HAACK BROTHERS HOMES

PROJECT NUMBER
424198.0001.0000

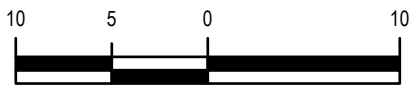
LOCATION
413 AND 419 ROCKEFELLER AVENUE
EVERETT, WASHINGTON

DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW

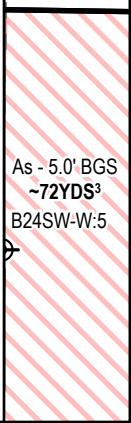


NOTES:

- FINAL PERFORMANCE SAMPLE LOCATION
- SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
- APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
- APPROXIMATE REMEDIATION AREAS
- AREA EXCAVATED TO A TOTAL DEPTH OF 5'
- APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY



APPROXIMATE SCALE IN FEET



1180 NW MAPLE ST, SUITE 310
 ISSAQUAH, WA 98027
 425.395.0010
 WWW.TRCCOMPANIES.COM

FIGURE 10
 EXCAVATION AREA 2 - FINAL PERFORMANCE
 SAMPLES

Enclosure C Figure 6

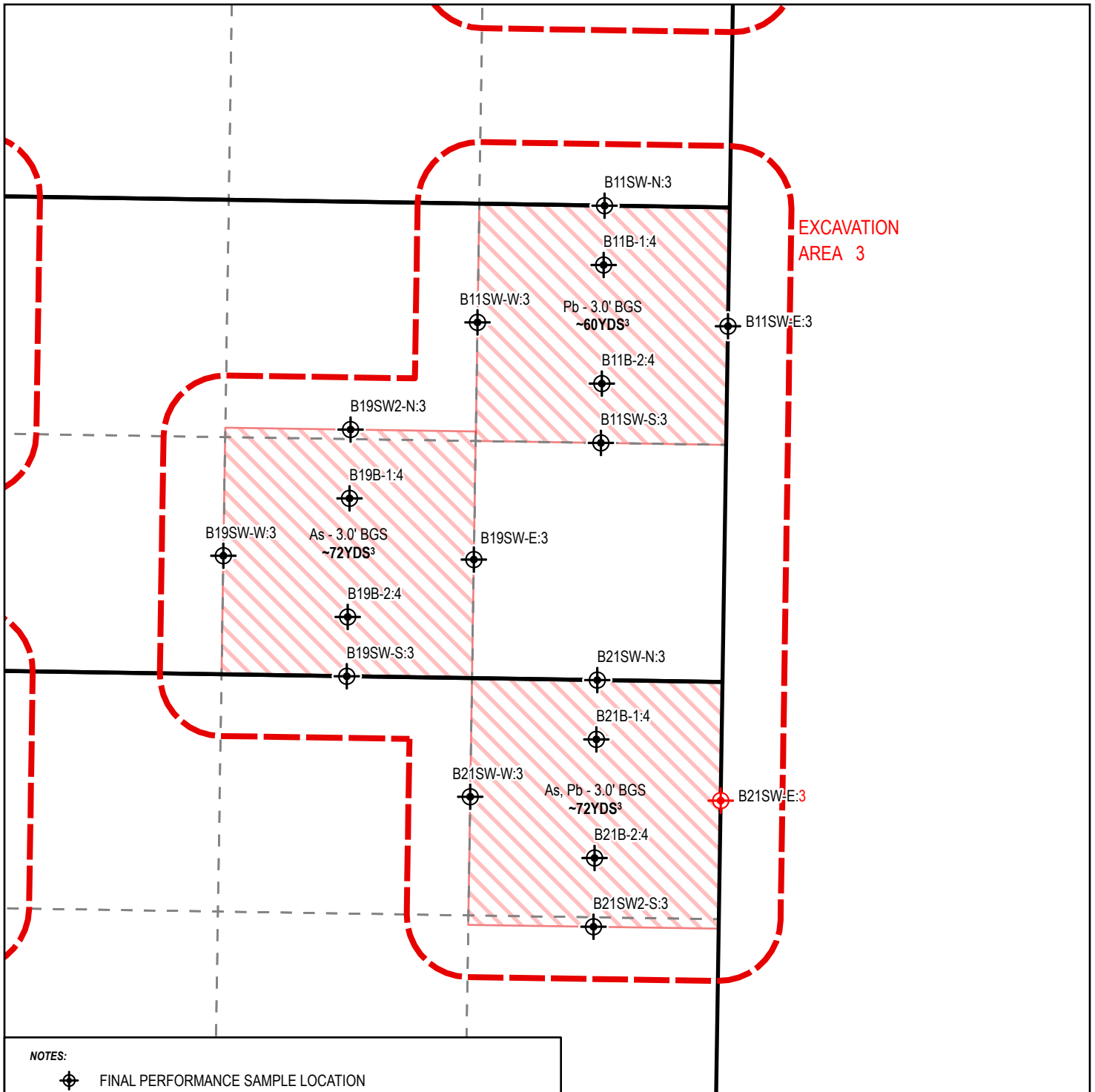
REPORT
 CLEANUP ACTION REPORT

PREPARED FOR
 HAACK BROTHERS HOMES

PROJECT NUMBER
 424198.0001.0000







LOCATION
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

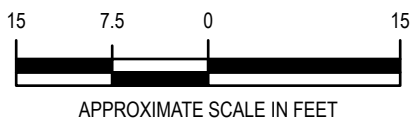
DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW



EXCAVATION
AREA 3

NOTES:

-  FINAL PERFORMANCE SAMPLE LOCATION
-  PERFORMANCE SAMPLE LOCATION WITH CONCENTRATION EXCEEDING A MTCA METHOD A CLEANUP LEVELS
-  SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
-  APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
-  APPROXIMATE REMEDIATION AREAS
-  APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY



1180 NW MAPLE ST, SUITE 310
ISSAQUAH, WA 98027
425.395.0010
WWW.TRCCOMPANIES.COM

FIGURE 12
EXCAVATION AREA 3 - FINAL PERFORMANCE
SAMPLES

Enclosure C Figure 7

REPORT
CLEANUP ACTION REPORT

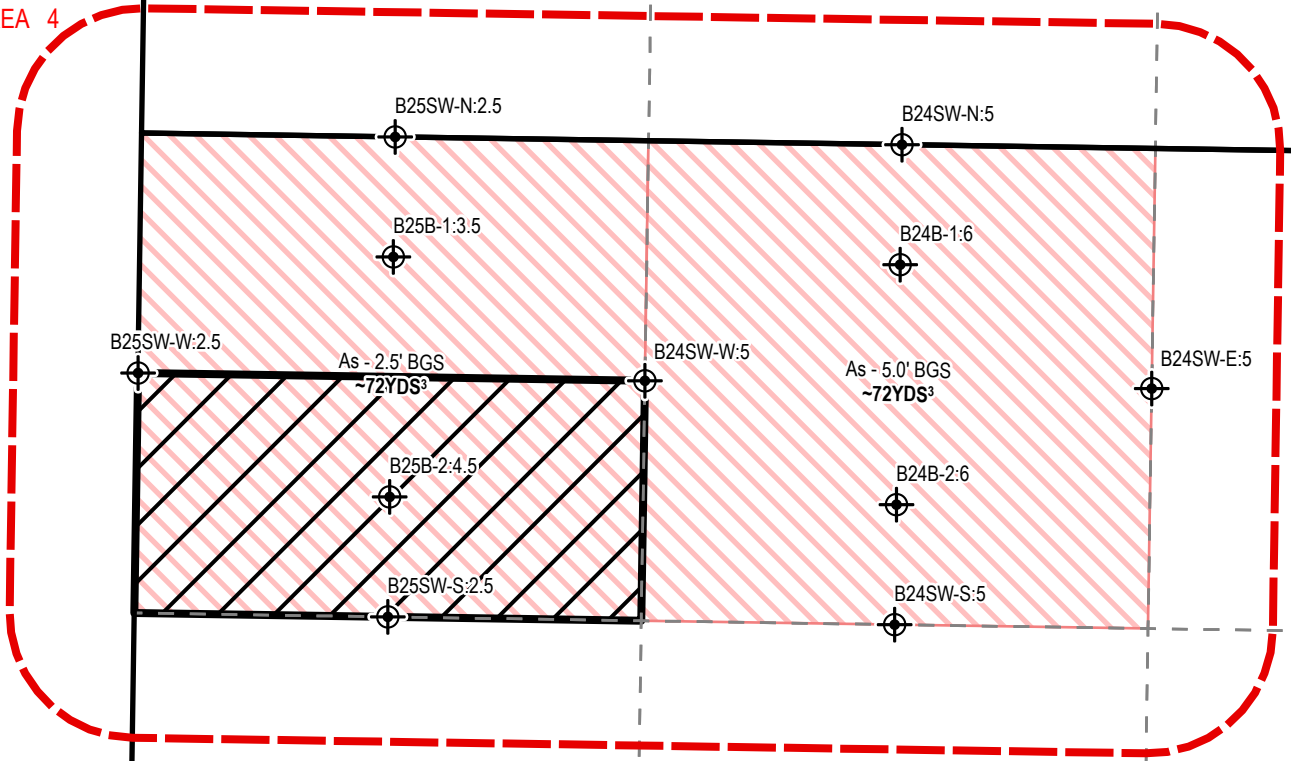
PREPARED FOR
HAACK BROTHERS HOMES

PROJECT NUMBER
424198.0001.0000







LOCATION
413 AND 419 ROCKEFELLER AVENUE
EVERETT, WASHINGTON

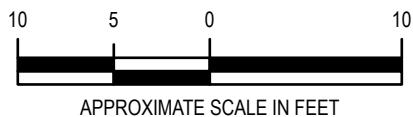
DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW

EXCAVATION
AREA 4



NOTES:

-  FINAL PERFORMANCE SAMPLE LOCATION
-  SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
-  APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
-  APPROXIMATE REMEDIATION AREAS
-  AREA EXCAVATED TO A TOTAL DEPTH OF 4.5'
-  APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY



1180 NW MAPLE ST, SUITE 310
ISSAQUAH, WA 98027
425.395.0010
WWW.TRCCOMPANIES.COM

FIGURE 14
EXCAVATION AREA 4 - FINAL PERFORMANCE
SAMPLES

Enclosure C Figure 8

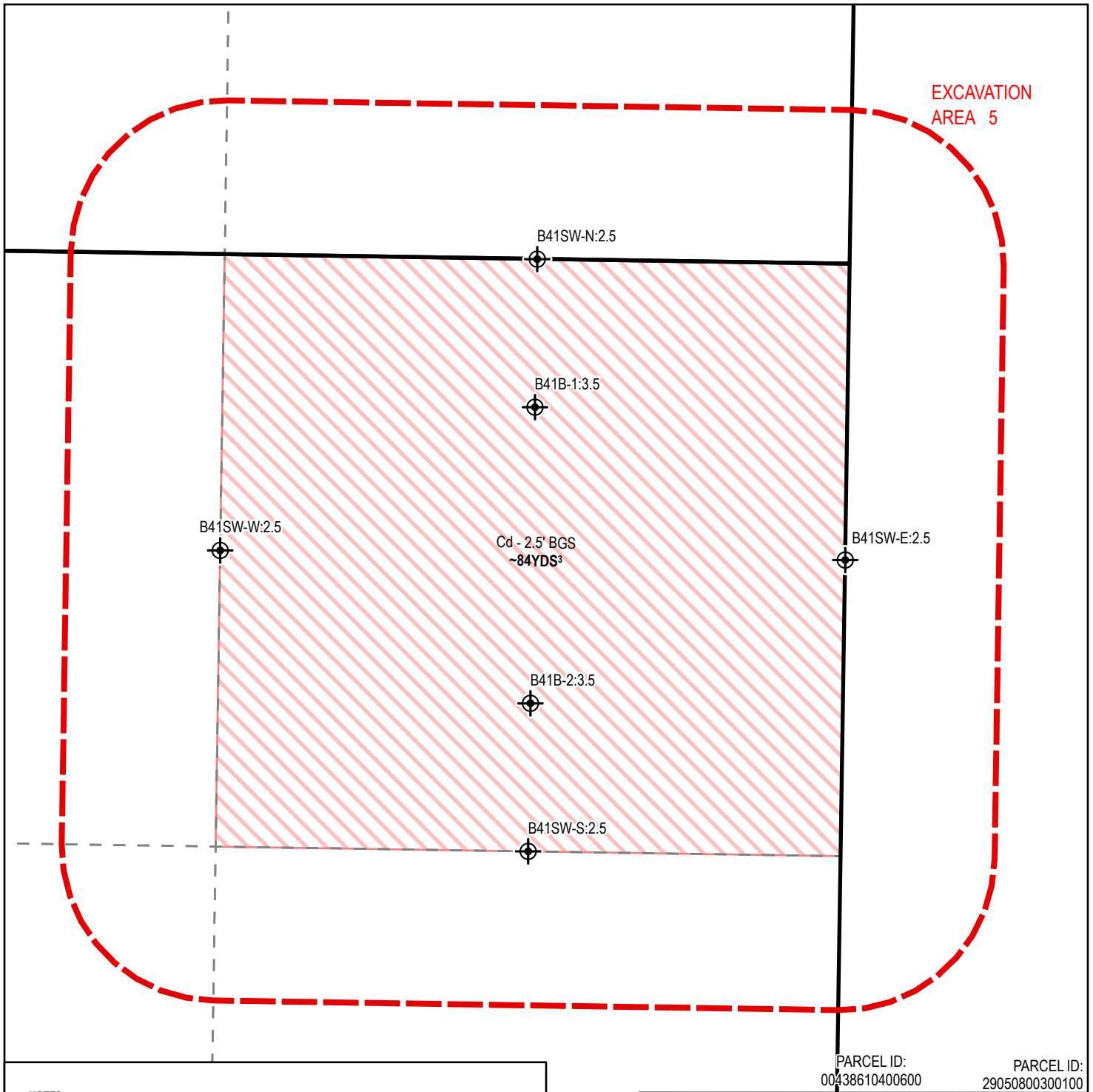
REPORT
CLEANUP ACTION REPORT

PREPARED FOR
HAACK BROTHERS HOMES






PROJECT NUMBER
424198.0001.0000

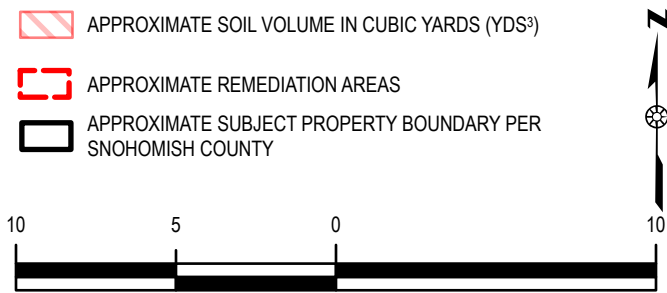
LOCATION
413 AND 419 ROCKEFELLER AVENUE
EVERETT, WASHINGTON

DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW



NOTES:

-  PERFORMANCE SAMPLE LOCATION
-  SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
-  APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
-  APPROXIMATE REMEDIATION AREAS
-  APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY



APPROXIMATE SCALE IN FEET

PARCEL ID: 00438610400600
 PARCEL ID: 29050800300100



1180 NW MAPLE ST, SUITE 310
 ISSAQUAH, WA 98027
 425.395.0010
 WWW.TRCCOMPANIES.COM

Enclosure C Figure 9

FIGURE 15
 EXCAVATION AREA 5 - ALL / FINAL PERFORMANCE
 SOIL SAMPLES

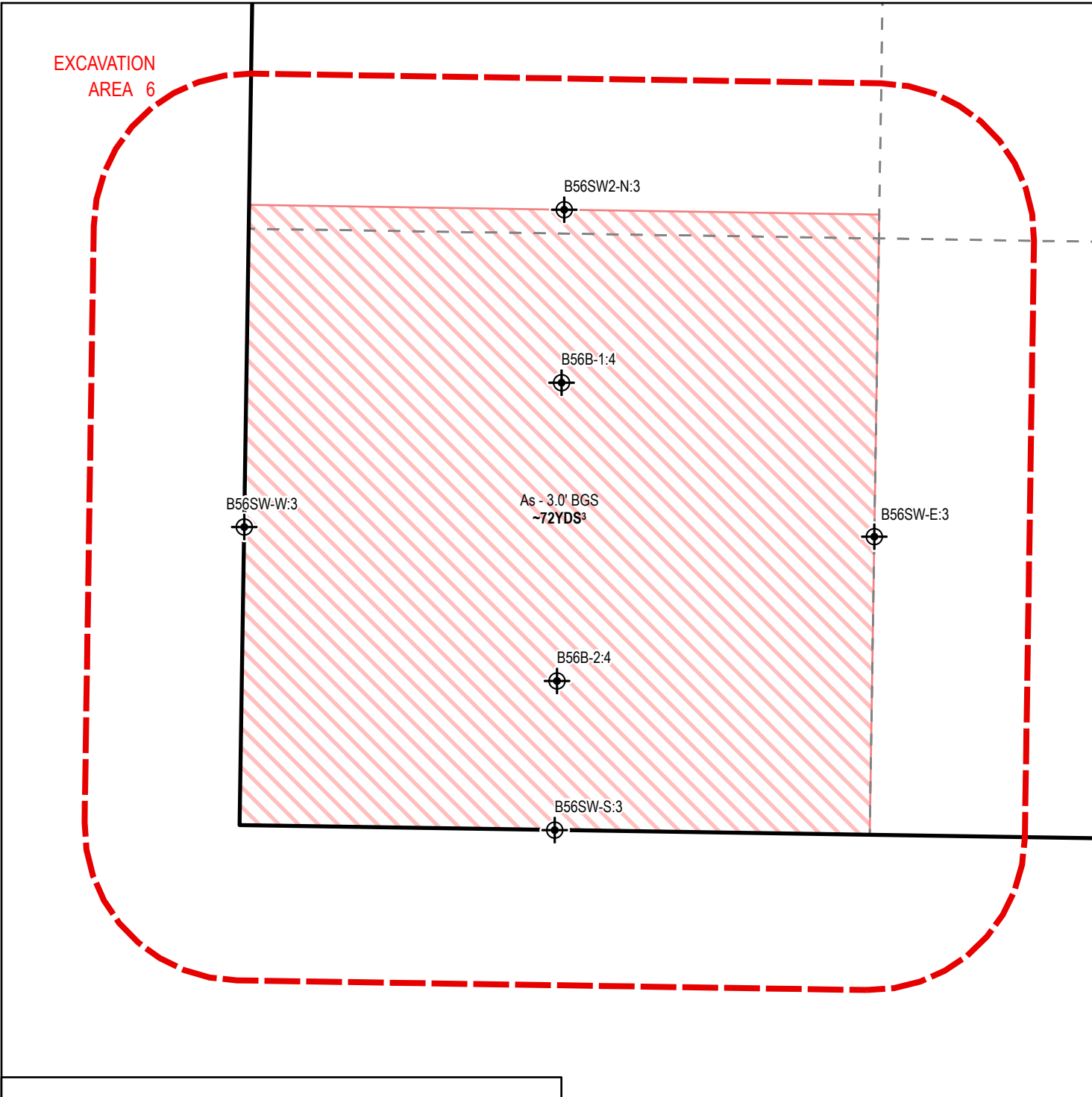
REPORT
 CLEANUP ACTION REPORT

PREPARED FOR
 HAACK BROTHERS HOMES

PROJECT NUMBER
 424198.0001.0000

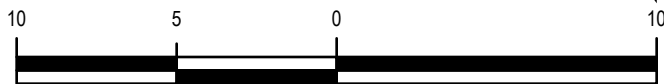
LOCATION
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW



NOTES:

- FINAL PERFORMANCE SAMPLE LOCATION
- SAMPLING GRID LAYOUT, ESTABLISHED USING EVERETT SMELTER PLUME (ESP) GUIDANCE
- APPROXIMATE SOIL VOLUME IN CUBIC YARDS (YDS³)
- APPROXIMATE REMEDIATION AREAS
- APPROXIMATE SUBJECT PROPERTY BOUNDARY PER SNOHOMISH COUNTY



APPROXIMATE SCALE IN FEET



1180 NW MAPLE ST, SUITE 310
 ISSAQUAH, WA 98027
 425.395.0010
 WWW.TRCCOMPANIES.COM

Enclosure C Figure 10

FIGURE 17
 EXCAVATION AREA 6 - FINAL PERFORMANCE
 SAMPLES

REPORT
 CLEANUP ACTION REPORT

PREPARED FOR
 HAACK BROTHERS HOMES

PROJECT NUMBER
 424198.0001.0000

LOCATION
 413 AND 419 ROCKEFELLER AVENUE
 EVERETT, WASHINGTON

DATE 1/10/22
DRAWN BY KPC
REVIEWED BY WRW

Enclosure D

Basis for the Opinion: List of Documents

1. TRC Environmental Corporation, *Legion Lots Haack Parcels, 413 and 419 Rockefeller Avenue, Everett, Washington, May 2, 2022.*
2. TRC Environmental Corporation, *Re: Revised Subsurface Investigation Work Plan, Legion Lots 1 through 6, 413 and 419 Rockefeller Avenue, Everett, Washington, January 29, 2021.*
3. Ecology, *Re: Opinion Pursuant to WAC 173-340-515(5) on Remedial Action for the Following Hazardous Waste Site: Legion Lots Haack Parcels, 413-419 Rockefeller Avenue, Everett, Washington, 98201, Facility/Site ID No.: 9311679, Cleanup Site ID No.: 1653, VCP Project No.: NW3268, November 30, 2020.*
4. TRC Environmental Corporation, *Re: Additional Subsurface Investigation Work Plan, Legion Lots 1 through 4, 413 and 419 Rockefeller Avenue, Everett, Washington, February 28, 2020.*
5. *Legion Memorial Golf Course – Property Sale Notification, Legion Lots 1 through 4, 144 West Marine View Drive/419 Rockefeller Avenue, Everett, Washington, September 18, 2019.*
6. HWA Geosciences, Inc., *Soil Sampling and Cap Inspection Report, Legion Memorial Golf Course, Everett, Washington, September 8, 2009.*
7. *Legion Memorial Golf Course (Upland) Environmental Covenant; Recording Number 200812050469, December 5, 2008.*
8. Hydrometrics, Inc., *East Marine View Drive Widening and Legion Memorial Golf Course Improvements, Independent Remedial Action Report, Everett, Washington, December, 1998*
9. Hydrometrics, Inc., *Remedial Investigation, Everett Smelter Site, Everett, Washington, September, 1995.*