



Spokane Co.  
Schade Brewery  
TCP / VCP

**FILE COPY**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

May 4, 2006 4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 456-2926

Tom Hammons  
American West Bank  
9019 E. Appleway Blvd  
Spokane Valley, WA 99212

**Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:**

- Name: Schade Brewery
- Address: 528 East Trent, Spokane, WA
- Facility/Site No.: 6724162
- VCP No.: EA0112

Dear Mr. Hammons:

Thank you for submitting your independent remedial action reports for the Schade Brewery facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



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

1. Site Closure Report, Documentation of Cleanup Actions, Schade Brewery, 528 East Trent Avenue, Spokane, Washington: LFR, December 16, 2005.
2. Cleanup Action Plan, Schade Brewery, 528 East Trent Avenue, Spokane, WA: SLR International Corp., November 2004.
3. Remedial Investigation, Schade Brewery, 528 East Trent Avenue, Spokane, WA: SLR International Corp. May 2004.

The documents listed above will be kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. Appointments can be made by calling Johnnie Landis at 509/329-3315.

The Site is defined by the extent of contamination caused by the following release(s):

- Petroleum hydrocarbons, polynuclear aromatic hydrocarbons and metals in Soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Please note that this Site is subject to periodic review under WAC 173-340-420 because institutional controls were required as part of the cleanup action. If Ecology conducts a periodic review and determines that further action is required at the Site, then this opinion will automatically be rendered null and void.

This opinion is based on the continued effectiveness of the institutional control required as part of the cleanup action for the Site under WAC 173-340-440. A copy of the Restrictive Covenant filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure B. If any portion of any Restrictive Covenant is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

Tom Hammons  
May 4, 2006  
Page 3

This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Black Proinvest Schade Tower LLC, B & I Properties, Bagaca LLC, West 312 8<sup>th</sup> LLC, and Randolph C. Cameron and Kimberlee M. Cameron.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program. If you have any questions regarding this opinion, please contact me at 509/329-3522.

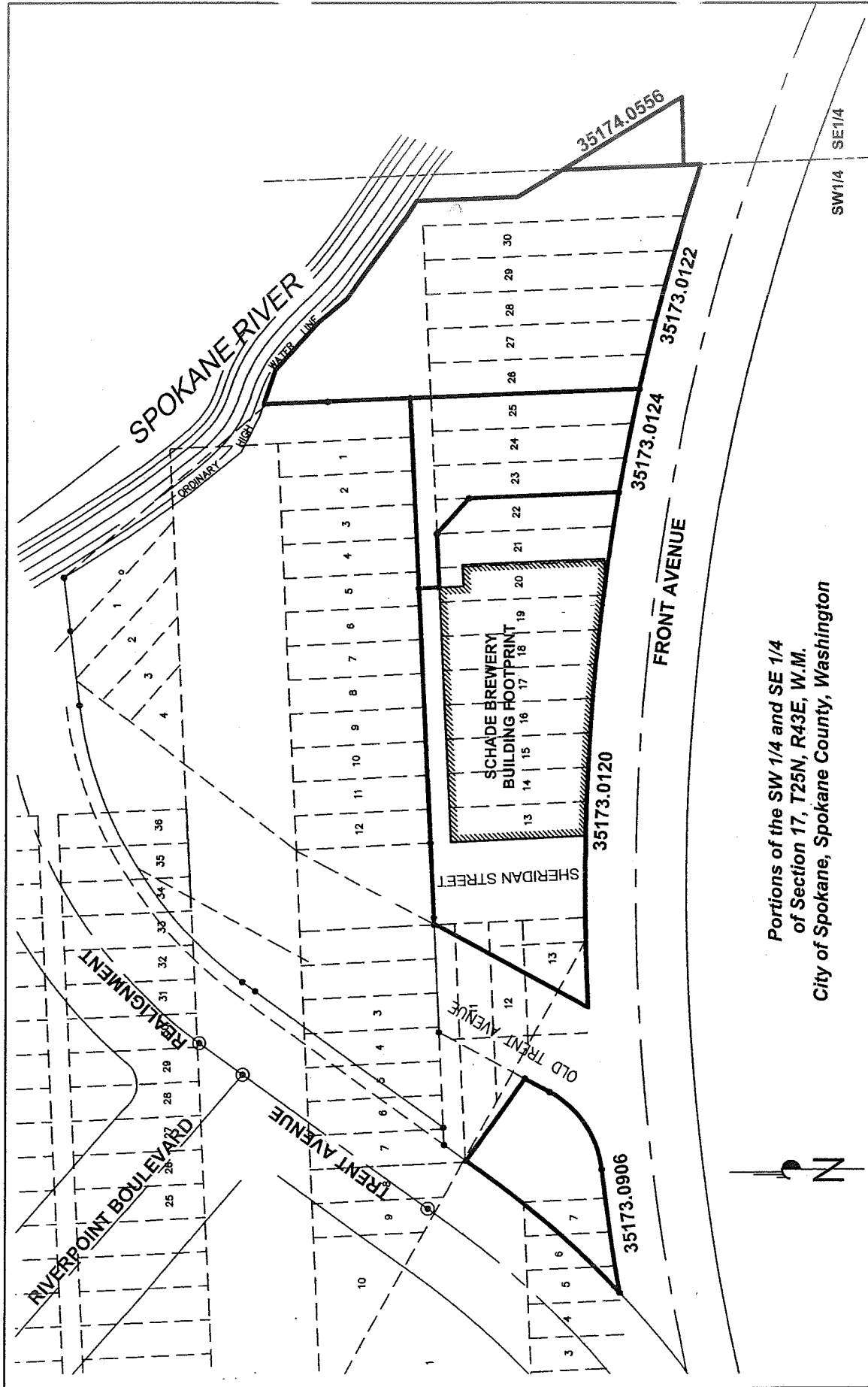
Sincerely,



Patti Carter  
ERO Toxics Cleanup Program

Enclosures

cc: David R. Black  
Mark G. Pinch  
Grant Person  
Barry N. Baker  
Randolph and Kimberlee Cameron



Portions of the SW 1/4 and SE 1/4  
of Section 17, T25N, R43E, W.M.  
City of Spokane, Spokane County, Washington

<b>FIGURE 2</b>		SITE CLOSURE REPORT <b>SITE PLAN</b>
LFR NO. 003-09303-00		<b>AMERICAN WEST BANK</b>
LFR Inc. Spokane, Washington		Schade Brewery 528 East Trent Avenue, Spokane, Washington
DRAWN: JASPER GEOGRAPHICS	CHECKED: JEL	DATE: November 2005 SCALE: 1"=100'

Base Map Source: Adams & Clark, Inc.  
For Representational Purposes Only  
All locations and distances are approximate  
Tax ID parcel boundaries based on 2004 descriptions

**ENCLOSURE B**

RECEIVED

MAY - 3 2006

COPY ORIGINAL FILED OR RECORDED

**Return Address:**

DEPARTMENT OF ECOLOGY  
EASTERN REGIONAL OFFICE

MAY 01 2006

COUNTY AUDITOR  
SPOKANE COUNTY WA

Schade Tower  
Attn: Grant Person  
c/o Tomlinson Black Commercial  
107 S. Howard St Ste 500  
Spokane, WA 99201

5373189

10:53 AM

**DOCUMENT TITLE:**

Restrictive Covenant

050106.2-13

**REFERENCE NUMBER(s) OF DOCUMENTS ASSIGNED OR RELEASED:**

**GRANTOR(s):**

1. Black Proinvest Schade Tower
2. B&I Properties
3. Bagaca LLC
4. West 312 8th
5. Cameron

**GRANTEE(s):**

- 1.
- 2.
- 3.
- 4.
- 5.

**ABBREVIATED LEGAL DESCRIPTION:**

Ptn Blk 17 & 18 Resurvey of 2<sup>nd</sup> Add to Third Add to Railroad Add

**ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER:**

35172.0120, 0122, 35173.0124, 35174.0556

**Sign below only if your document is Non-Standard.**

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$50.

Indie Mitchell  
Signature of Requesting Party

## RESTRICTIVE COVENANT

BLACK PROINVEST SCHADE TOWER LLC, a Washington limited liability company; B & I Properties, a Washington general partnership; Bagaca LLC, a Washington limited liability company; West 312 8<sup>th</sup> LLC, a Washington limited liability company; and Randolph C. Cameron and Kimberlee M. Cameron, husband and wife. Schade Towers, 528 East Trent Avenue, Spokane, Washington.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by BLACK PROINVEST SCHADE TOWER LLC, a Washington limited liability company; B & I Properties, a Washington general partnership; Bagaca LLC, a Washington limited liability company; West 312 8<sup>th</sup> LLC, a Washington limited liability company; and Randolph C. Cameron and Kimberlee M. Cameron, husband and wife, 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(s):

- Remedial Investigation – Documentation of Soil Contaminant Conditions, Schade Brewery, 528 East Trent Avenue, Spokane, Washington, SLR International Corp., Project No. 003.0156.00002, May 2004.
- Cleanup Action Plan, Schade Brewery, 528 East Trent Avenue, Spokane, Washington, SLR International Corp., Project No. 003.0156.00002, November 2004.
- Site Closure Report – Documentation of Cleanup Actions, Schade Brewery, 528 East Trent Avenue, Spokane, Washington, LFR, Inc., Project No. 003-09303-00, December 16, 2005.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons, polynuclear aromatic hydrocarbons, and total metals which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740.

The undersigned, BLACK PROINVEST SCHADE TOWER LLC, a Washington limited liability company; B & I Properties, a Washington general partnership; Bagaca LLC, a Washington limited liability company; West 312 8<sup>th</sup> LLC, a Washington limited liability company; and Randolph C. Cameron and Kimberlee M. Cameron, husband and wife, is the fee owner of real property (hereafter "Property") in the County of Spokane, 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 (attach document containing legal description).

BLACK PROINVEST SCHADE TOWER LLC, a Washington limited liability company; B & I Properties, a Washington general partnership; Bagaca LLC, a Washington limited liability company; West 312 8<sup>th</sup> LLC, a Washington limited liability company; and Randolph C. Cameron and Kimberlee M. Cameron, husband and wife, 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. 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 that are prohibited in the capped

areas 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, or any activities that may cause migration of the hazardous substances.

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

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

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property, except that the owner need to give advance written notice to Ecology if the Owner leases a subunit of a building on the Property, when such lease expressly prohibits any activity which is inconsistent with the terms of this Restrictive Covenant pursuant to Section 5. 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.

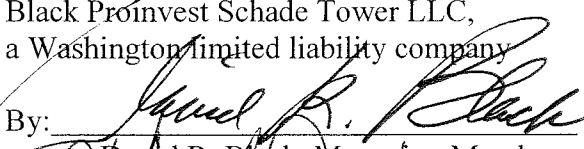
Section 7. the Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to

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

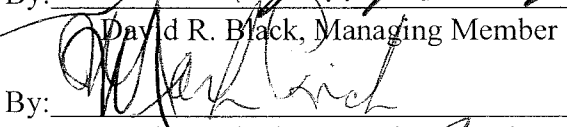
Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public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

BLACK PROINVEST SCHADE TOWER LLC  
B & I PROPERTIES LLC  
BAGACA LLC  
WEST 312 8<sup>TH</sup> LLC  
RANDOLPH C. CAMERON and  
KIMBERLEE M. CAMERON, husband and wife

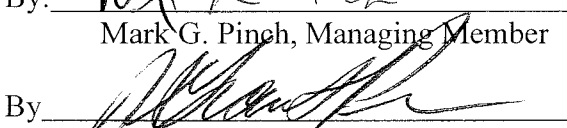
Black Proinvest Schade Tower LLC,  
a Washington limited liability company

By:   
David R. Black, Managing Member

4-17-06  
Date

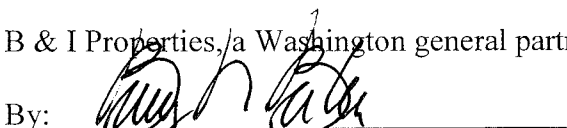
By:   
Mark G. Pinch, Managing Member

4/4/06  
Date

By:   
Grant Person, Managing Member

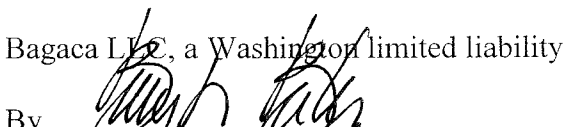
April 4, 2006  
Date

B & I Properties, a Washington general partnership

By:   
Barry N. Baker, Managing Partner


4.10.06  
Date

Bagaca LLC, a Washington limited liability company

By:   
Barry N. Baker, Managing Member


4.10.06  
Date

West 3128<sup>th</sup> LLC a Washington limited liability company

By:  4.10.06  
Barry N. Baker, Managing Member Date

Randolph C. Cameron and Kimberlee M. Cameron, husband and wife

By:  4/10/06  
Randolph C. Cameron, personally Date

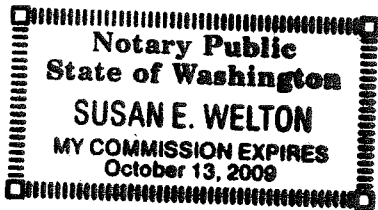
By:  4-10-06  
Kimberlee M. Cameron, personally Date

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this 17th day of April, 2006, before me personally appeared David R. Black to me known to be the Managing Member of Black Proinvest Schade Tower LLC, the Company which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said Company, for the uses and purposes therein mentioned, an on oath stated that he was authorized to execute the said instrument on behalf of said Company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



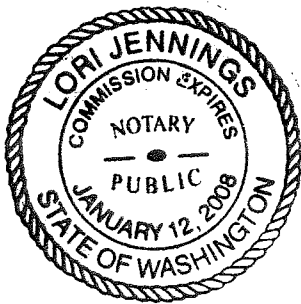
Susan E. Welton  
Notary Public (Signature)  
Susan E. Welton  
(Print Name)  
Residing at Nine Mile Falls, WA  
My appointment expires: 10-13-09

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this 4 day of April, 2006, before me personally appeared Mark G. Pinch to me known to be the Managing Member of Black Proinvest Schade Tower LLC, the Company which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said Company, for the uses and purposes therein mentioned, an on oath stated that he was authorized to execute the said instrument on behalf of said Company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



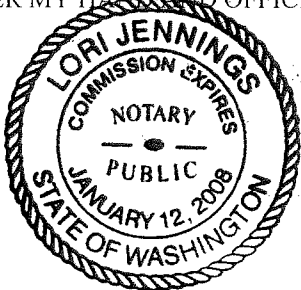
Lori Jennings  
Notary Public (Signature)  
Lori Jennings  
(Print Name)  
Residing at Spokane, WA  
My appointment expires: 1-12-2008

ACKNOWLEDGEMENT

STATE OF WASHINGTON )
) ss.
County of Spokane )

On this 4 day of April, 2006, before me personally appeared Grant Person to me known to be the Managing Member of Black Proinvest Schade Tower LLC, the Company which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said Company, for the uses and purposes therein mentioned, an on oath stated that he was authorized to execute the said instrument on behalf of said Company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



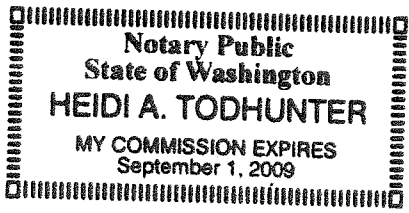
[Signature]
Notary Public (Signature)
Lori Jennings
(Print Name)
Residing at Spokane, WA
My appointment expires: 1-12-2008

ACKNOWLEDGEMENT

STATE OF WASHINGTON )
) ss.
County of Spokane )

On this 10 day of April, 2006, before me personally appeared Barry N. Baker to me known to be the Managing Partner of B & I Properties, the Partnership which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said Partnership, for the uses and purposes therein mentioned, an on oath stated that he was authorized to execute the said instrument on behalf of said Partnership.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



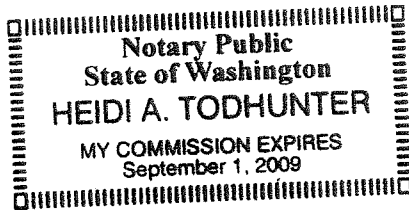
[Signature]
Notary Public (Signature)
Heidi Todhunter
(Print Name)
Residing at Spokane, WA
My appointment expires: 9-1-2009

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this 10 day of April, 2006, before me personally appeared Barry N. Baker to me known to be the Managing Member of Bagaca LLC, the Company which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said Company, for the uses and purposes therein mentioned, an on oath stated that he was authorized to execute the said instrument on behalf of said Company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



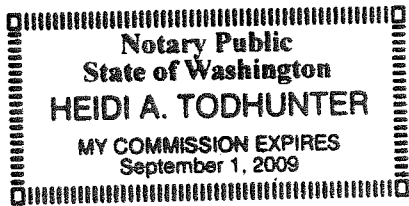
Heidi A. Todhunter  
Notary Public (Signature)  
Heidi A Todhunter  
(Print Name)  
Residing at Spokane, WA  
My appointment expires: 9-1-2009

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

On this 10 day of April, 2006, before me personally appeared Barry N. Baker to me known to be the Managing Member of West 312 8th LLC, the Company which executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said Company, for the uses and purposes therein mentioned, an on oath stated that he was authorized to execute the said instrument on behalf of said Company.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.



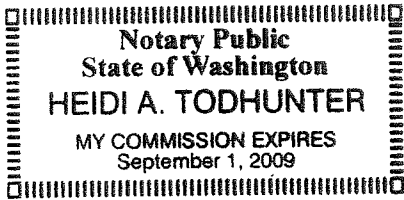
Heidi A. Todhunter  
Notary Public (Signature)  
Heidi A Todhunter  
(Print Name)  
Residing at Spokane, WA  
My appointment expires: 9-1-2009

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
 ) ss  
County of Spokane )

I certify that I know or have satisfactory evidence that Barry N. Baker signed this instrument, on oath stated that he are authorized to execute the instrument, and acknowledged it as to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: April 10, 2006



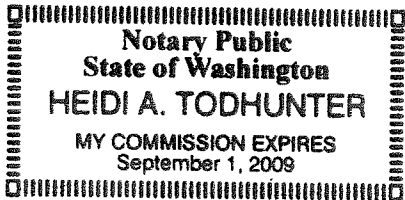
Heidi A. Todhunter  
Notary Public (Signature)  
Heidi A. Todhunter  
(Print Name)  
Residing at Spokane WA  
My appointment expires: 9-1-2009

ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
 ) ss.  
County of Spokane )

I certify that I know or have satisfactory evidence that Randolph C. Cameron and Kimberlee M. Cameron signed this instrument, on oath stated that they are authorized to execute the instrument, and acknowledged it as to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: April 10, 2006



Heidi A. Todhunter  
Notary Public (Signature)  
Heidi A. Todhunter  
(Print Name)  
Residing at Spokane WA  
My appointment expires: 9-1-2009

EXHIBIT "A"

PARCEL 1:

THOSE PORTIONS OF BLOCKS 17 AND 18, ABANDONED RAILROAD TRANSFER LINE, VACATED ALLEYS IN SAID BLOCKS, AND VACATED SHERIDAN STREET, ALL IN THE RESURVEY OF SECOND ADDITION TO THIRD ADDITIONS TO RAILROAD ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME "C" OF PLATS, PAGE 80, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 17, OF THE PLAT OF THE RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION; THENCE SOUTH 87°14'48" WEST ALONG THE SOUTH LINE OF LOT 12 EXTENDED WESTERLY A DISTANCE OF 59.34 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF "OLD TRENT AVENUE"; THENCE SOUTH 28°19'30" WEST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 129.18 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF FRONT AVENUE, BEING A POINT ON A 1,707.69 FOOT RADIUS NONTANGENT CURVE TO THE RIGHT, THE CENTER CIRCLE OF WHICH BEARS SOUTH 03°03'33" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY OF FRONT AVENUE THROUGH A CENTRAL ANGLE OF 12°46'56", 380.97 FEET TO THE SOUTHWEST CORNER OF LOT 23 OF SAID BLOCK 17; THENCE NORTH 02°26'50" WEST ALONG THE WEST LINE OF SAID LOT 23 A DISTANCE OF 110.94 FEET TO A POINT 25.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 23; THENCE NORTH 47°55'03" WEST 35.46 FEET TO THE NORTHWEST CORNER OF LOT 22; THENCE SOUTH 87°14'48" WEST ALONG THE NORTH LINE OF LOTS 21 AND 20 A DISTANCE OF 39.96 FEET TO A POINT 14.69 FEET WEST OF THE NORTHEAST CORNER OF LOT 20; THENCE NORTH 02°45'12" WEST 15.00 FEET TO A POINT ON THE NORTH LINE OF THE VACATED ALLEY IN SAID BLOCK 17; THENCE SOUTH 87°14'48" WEST, ALONG SAID NORTH LINE OF THE VACATED ALLEY, 187.50 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AN EASEMENT FOR SANITARY SEWER PURPOSES OVER, UNDER, UPON AND ACROSS A PORTION OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 25 NORTH, RANGE 43 EAST, W.M. AS RECORDED MARCH 2, 1998 UNDER RECORDING NO. 4193006, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 15 FOOT WIDE EASEMENT, THE CENTERLINE OF WHICH BEGINS AT THE NORTHWEST CORNER OF LAND OF BRIAN WHITFIELD BEING A 5/8" REBAR AND CAP LS 10401, AS SHOWN ON A RECORD OF SURVEY FILED IN BOOK 62, PAGE 1, RECORD OF SPOKANE COUNTY, WASHINGTON; THENCE SOUTH 44°41'59" EAST, 269.82 FEET TO THE SOUTHWEST CORNER OF THE OLD SCHADE BREWERY BUILDING; THENCE SOUTH 86°56'48" EAST, 34.50 FEET ALONG THE SOUTHERLY FACE OF SAID BUILDING TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 17°40'25" WEST, 103.25 FEET;

THE SIDELINES OF SAID 15 FOOT WIDE EASEMENT TO TERMINATE AT THE SOUTHERLY FACE OF SAID BUILDING.

SITUATE IN THE CITY OF SPOKANE, COUNTY OF SPOKANE, STATE OF WASHINGTON.

PARCEL 2:

THOSE PORTIONS OF THE BURLINGTON NORTHERN SANTE FE RAILROAD COMPANY (FORMERLY NORTHERN PACIFIC RAILWAY COMPANY) CONNECTION TRACK RIGHT OF WAY; VACATED HATCH STREET; LOTS 26, 27, 28, 29, 30 IN BLOCK 17; AND TRACT "F" OF THE PLAT OF THE RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION, AS RECORDED IN VOLUME "C", PAGE 79; AND OF TRACT "H" OF THE PLAT OF DENNIS AND BRADLEY'S ADDITION AS RECORDED IN VOLUME "A", PAGE 160, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 26, BLOCK 17, OF SAID PLAT OF THE RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION; THENCE NORTH 02°21'19" WEST, ALONG THE WEST LINE OF SAID LOT 26 AND SAID LINE EXTENDED, 275.00 FEET TO POINT "A"; THENCE CONTINUING NORTH 02°21'19" WEST 3 FEET, MORE OR LESS, TO A POINT ON THE HIGH WATER LINE ON THE SOUTHWESTERLY SHORE OF THE SPOKANE RIVER; THENCE SOUTHEASTERLY ALONG SAID HIGH WATER LINE TO A POINT ON THE CENTERLINE OF VACATED HATCH STREET; THENCE SOUTH 02°12'12" EAST, ALONG SAID CENTERLINE 4 FEET, MORE OR LESS, TO A POINT FROM WHICH SAID POINT "A" BEARS NORTH 52°45'30" WEST, 188.32 FEET; THENCE SOUTH 02°12'12" EAST, ALONG SAID CENTERLINE, 70.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTE FE RAILROAD COMPANY (FORMERLY NORTHERN PACIFIC RAILWAY COMPANY); CONNECTION TRACT; THENCE SOUTH 31°13'40" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, 38.65 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID HATCH STREET, FROM WHICH THE SOUTHWEST CORNER OF TRACK "H" OF DENNIS AND BRADLEY'S ADDITION BEARS SOUTH 02°12'12" EAST 90.00 FEET; THENCE CONTINUING SOUTH 31°13'40" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, 103.05 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TRACT "H"; THENCE SOUTH 87°55'29" WEST, 50.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "H"; THENCE SOUTH 02°12'12" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID VACATED HATCH STREET, 12.81 FEET TO THE SOUTHEAST CORNER OF SAID VACATED HATCH STREET (ORDINANCE NO. C31961), BEING A POINT ON A 1,707.69 FEET FOOT RADIUS NONTANGENT CURVE TO THE LEFT, THE CENTER OF CIRCLE OF WHICH BEARS SOUTH 18°04'49" WEST, THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 1°20'09", 39.81 FEET TO THE SOUTHEAST CORNER OF LOT 30 OF SAID BLOCK 17; THENCE CONTINUING ALONG THE ARC OF SAID CURVE, THE CENTER OF CIRCLE WHICH BEARS SOUTH 16°44'40" WEST, AND ALONG THE SOUTHERLY LINE OF SAID BLOCK 17, THROUGH A CENTRAL ANGLE OF 4°24'50", 131.56 FEET TO THE POINT OF BEGINNING;

SITUATE IN THE CITY OF SPOKANE, COUNTY OF SPOKANE, STATE OF WASHINGTON.

**PARCEL 3:**

THOSE PORTIONS OF LOTS 22, 23, 24, 25 AND OF THE VACATED ALLEY IN BLOCK 17 IN THE PLAT OF THE RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION AS PER PLAT THEREOF RECORDED IN VOLUME "C" OF PLATS, PAGE 79, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 17, OF THE PLAT OF THE RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION; THENCE NORTH 87°14'48" EAST, ALONG THE NORTH LINE OF THE VACATED ALLEY IN BLOCK 17, A DISTANCE OF 187.50 FEET TO THE TRUE POINT OF BEGINNING, WHICH IS 14.69 FEET WEST OF THE SOUTHEAST CORNER OF LOT 5, OF SAID BLOCK 17; THENCE CONTINUING NORTH 87°14'48" EAST, ALONG SAID NORTH LINE OF THE VACATED ALLEY, AND SAID NORTH LINE EXTENDED, 141.16 FEET TO A POINT ON THE EXTENDED EAST LINE OF LOT 25 OF SAID BLOCK 17; THENCE SOUTH 02°21'19" EAST, ALONG SAID EXTENDED EAST LINE AND ALONG THE EAST LINE OF LOT 25, A DISTANCE OF 169.45 FEET TO THE SOUTHEAST CORNER OF LOT 25, SAID POINT BEING ON A NONTANGENT CURVE WHOSE CENTER OF RADIUS BEARS SOUTH 12°19'50" WEST, 1,707.69 FEET; THENCE NORTHWESTERLY, ALONG SAID CURVE AND SOUTH LINE OF LOTS 25, 24, AND 23, THROUGH A CENTRAL ANGLE OF 2°36'27" AN ARC LENGTH OF 77.72 FEET TO THE SOUTHWEST CORNER OF LOT 23; THENCE NORTH 02°26'50" WEST, ALONG THE WEST LINE OF LOT 23, A DISTANCE OF 110.94 FEET TO A POINT 25.00 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 23; THENCE NORTH 47°55'03" WEST, 35.46 FEET TO THE NORTHWEST CORNER OF LOT 22; THENCE SOUTH 87°14'48" WEST, ALONG THE NORTH LINE OF LOTS 21 AND 20 A DISTANCE OF 39.96 FEET TO A POINT 14.69 FEET WEST OF THE NORTHEAST CORNER OF LOT 20; THENCE NORTH 02°45'12" WEST, 15.00 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE CITY OF SPOKANE, COUNTY OF SPOKANE, STATE OF WASHINGTON.

**PARCEL 4:**

PORTIONS OF THE VACATED ALLEY, THE ABANDONED RAILROAD TRANSFER LINE, VACATED GRAY AVENUE, THOSE PORTIONS OF BLOCK 5 AND LOT 11, BLOCK 18, RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION, AS PER PLAT THEREOF RECORDED IN VOLUME "C" OF PLATS, PAGE 80, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 17, OF THE PLAT OF RESURVEY OF SECOND ADDITION TO THIRD ADDITION TO RAILROAD ADDITION; THENCE SOUTH 87°14'48" WEST, 138.74 FEET TO THE INTERSECTION OF THE NORTH LINE OF SAID VACATED ALLEY IN BLOCK 18 AND THE NORTHWESTERLY RIGHT OF WAY LINE OF "OLD TRENT AVENUE", THENCE SOUTH 28°19'30" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF "OLD TRENT AVENUE", 72.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 54°23'36" WEST, 74.14 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF TRENT AVENUE, AS CONSTRUCTED AND SHOWN ON SHEET 2 OF "RIVERPOINT TWO" SHORT PLAT #CITY 88-12; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF "NEW TRENT AVENUE" THE FOLLOWING TWO (2) CALLS; 1) SOUTH 35°36'24" WEST, 18.71 FEET TO THE POINT OF CURVE OF A 695.00 FOOT RADIUS CURVE TO THE RIGHT; 2) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°47'14", 130.85 FEET TO A POINT ON A 1707.69 FOOT RADIUS NONTANGNET CURVE TO THE RIGHT IN THE NORTHERLY RIGHT OF WAY LINE OF FRONT AVENUE, THE CENTER OF CIRCLE OF SAID CURVE BEARS SOUTH 10°07'30" EAST, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°03'55", 91.36 FEET TO THE POINT OF REVERSE CURVE OF A 74.95 FOOT RADIUS CURVE TO THE LEFT IN SAID NORTHWESTERLY RIGHT OF WAY LINE OF "OLD TRENT AVENUE" THE CENTER OF CIRCLE OF WHICH BEARS NORTH 07°03'36" WEST; THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF "OLD TRENT AVENUE", THE FOLLOWING TWO (2) CALLS; 1) NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°36'55" , 71.44 FEET TO THE POINT OF TANGENT; 2) NORTH 28°19'30" EAST, 20.66 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SPOKANE, STATE OF WASHINGTON.

Tax Parcel Nos. 35173.0120; 35173.0122; 35174.0556; 35173.0124; 35173.0906



Spokane Co.  
Schade Brewery  
TCP/VCP

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

MEMORANDUM

February 21, 2006

TO: Flora Goldstein 2.23.06 I agree with this recommendation  
THROUGH: Sherman Spencer SGS  
FROM: Patti Carter PC  
SUBJECT: Schade Brewery, Spokane, WA – Status Update  
FJG

Recommendation

Soils impacted with petroleum hydrocarbons, polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and metals were identified at the site. Remedial actions at the site included engineering controls (isolation and containment), removal and disposal of PCB impacted soils, off-site disposal of soils removed during construction activities, and storm water management. Since impacted soils remain on site under a cap, a restrictive covenant will be required.

All recommendations in the previous VCP opinion letter have been implemented and the cleanup actions are complete at the site. Based on this information, I recommend a no further action decision for the site once the restrictive covenant has been recorded with the county.

Background

The Schade Brewery site is located at 528 East Trent Avenue in Spokane (Figure 1). Soils impacted with petroleum hydrocarbons, polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and metals were identified at the site. The contaminant sources appear to have been the result of on-site uses. Railroad operations on the former railroad right-of-way located on the northern portion of the site may also have contributed to the contamination. The proposed remedial actions included engineering controls (isolation and containment), volume reduction and off-site disposal, institutional controls, and natural attenuation. The report was reviewed under VCP and an Opinion Letter was issued January 12, 2005 with the following changes to the proposal:

- Any soil removed during site construction should not be used as fill material for the final site grading, but should be disposed of at an appropriate facility.
- Soils impacted with PCBs exceeding the Method A cleanup level should be removed and disposed of at an appropriate facility.



### Remedial Actions

In February 2005, soils impacted with PCB concentrations exceeding the cleanup level of 1 mg/kg were excavated and removed from the site. Three areas of concern were previously identified: the North Alley (West and Central areas), TP5, and TP7 (Figure 2).

The final excavation limits for the West North Alley (WNA) were approximately 15 feet by 42 feet, with depths ranging from 3 to 5.5 feet below ground surface (bgs). Eight confirmation samples were collected from the WNA area (Figure 3). A second confirmation sampling event was required for the south sidewall and east bottom portions of the excavation.

The final excavation limit for the Central North Alley (CNA) was approximately 15 feet by 52 feet, with depths ranging from 4 to 9.5 feet bgs. Six soil samples were collected from CNA (Figure 4).

The final excavation for the TP5 area was approximately 12 feet by 13 feet, with depths ranging from 2 to 3 feet bgs. Six soil samples were collected from the excavation (Figure 5).

The final excavation dimensions for the TP7 area were approximately 25 feet by 25 feet, with depths ranging from 3 to 6 feet bgs. Six soil samples were collected from the excavation (Figure 6).

A total of 26 soil samples and 2 duplicate samples were collected from the PCB-impacted areas. All final results were non-detect or below cleanup levels (Table 1).

Approximately 610 tons of potential PCB-impacted soil was generated from the excavations. Soil was disposed of at the Greater Wenatchee Regional Landfill, which is permitted to receive non-TSCA PCB soil wastes with concentrations less than 50 mg/kg. All the PCB affected area soil sample results indicated the highest PCB concentrations identified was 6.14 mg/kg.

Two additional remedial excavations were required during site development, including installation of a utility trench in the North Alley and a pedestrian walkway along the north side of the site. Soils from these excavations were primarily impacted with diesel range organics, heavy oil range organics, cadmium, lead, and PAHs. Since the VCP Opinion letter specified that any soil removed during site construction activities be removed, these soils were profiled and transported to landfill disposal in Wenatchee.

Engineering controls at the site included the asphalt paving (impervious surface) of the alley and eastern portions of the site to prevent human exposure pathways, surface water infiltrations through the affected areas, and potential migrations of residual contaminants of concern. Approximately 15,000 cubic yards of clean fill material was imported for site grading and leveling. The clean fill material limited the "cut" excavation, disturbance of underlying impacted soils, and amount of waste material generated for off site disposal.

The eastern parking area, North Alley, and eastern portion of Front Street along the southern site property boundary were paved with asphalt.

Whipple Engineering worked with the City of Spokane in designing a storm water management system to meet discharge, treatment, and on site management for both local and state codes, including engineering controls required to meet MTCA standards and as outlined in the CAP. A catch-basin collections and associated bio-filtration terrace (swale) system was constructed to collect and treat storm water from the North Alley and eastern parking area. Storm water is collected from the North Alley into a catch-basin with a sump pump system to move the water to the bio-filtration terrace. The surface grading in the eastern parking area directs surface run-off from the asphalt parking areas into various catch-basins and pipes the water to the bio-filtration terrace. The western parking area along Trent Avenue has a storm water treatment system in place which directs surface water run-off from the asphalt parking areas into a treatment swale near the west entrance at Trent Avenue.

Site landscaping for the eastern parking area is designed around elevated or mounded islands within the asphalt parking surfaces. The design directs surface run-off from precipitation to the asphalt and catch-basins for treatment in the bio-filtration terrace. The landscape islands were lined with an impermeable geo-textile membrane to prevent infiltration.

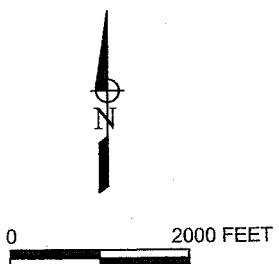
#### Conclusions

Soils impacted with petroleum hydrocarbons, polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and metals were identified at the site. Remedial actions at the site included engineering controls (isolation and containment), removal and disposal of PCB impacted soils, off-site disposal of soils removed during construction activities, and storm water management. Since impacted soils remain on site under a cap, a restrictive covenant will be required.

All recommendations in the VCP opinion letter have been implemented and the cleanup actions are complete at the site. Based on this information, I recommend a no further action decision for the site once the restrictive covenant has been recorded with the county.



MAP SOURCE:  
 USGS 7.5 TOPOGRAPHIC MAP  
 SPOKANE NW, WA (1986)

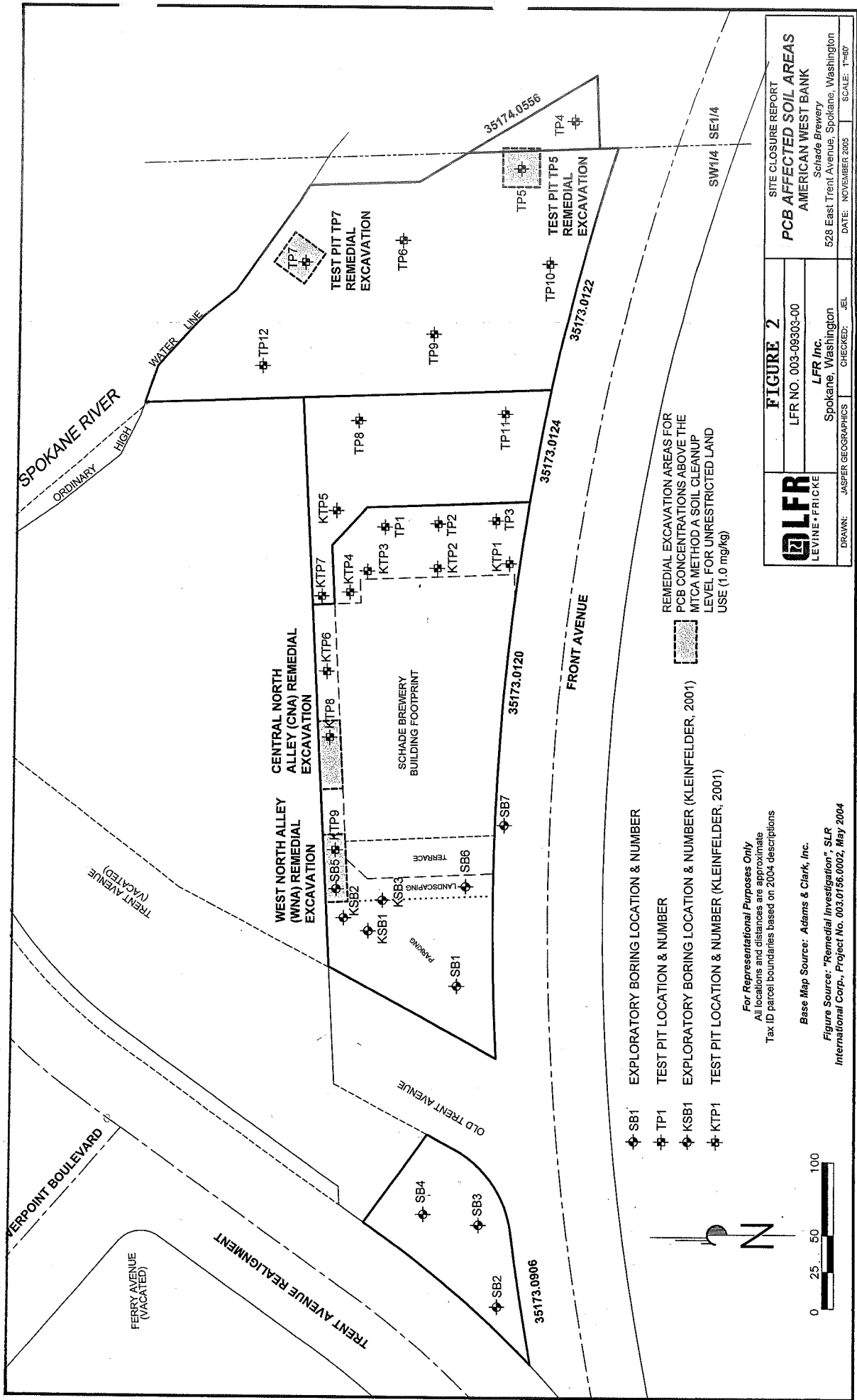


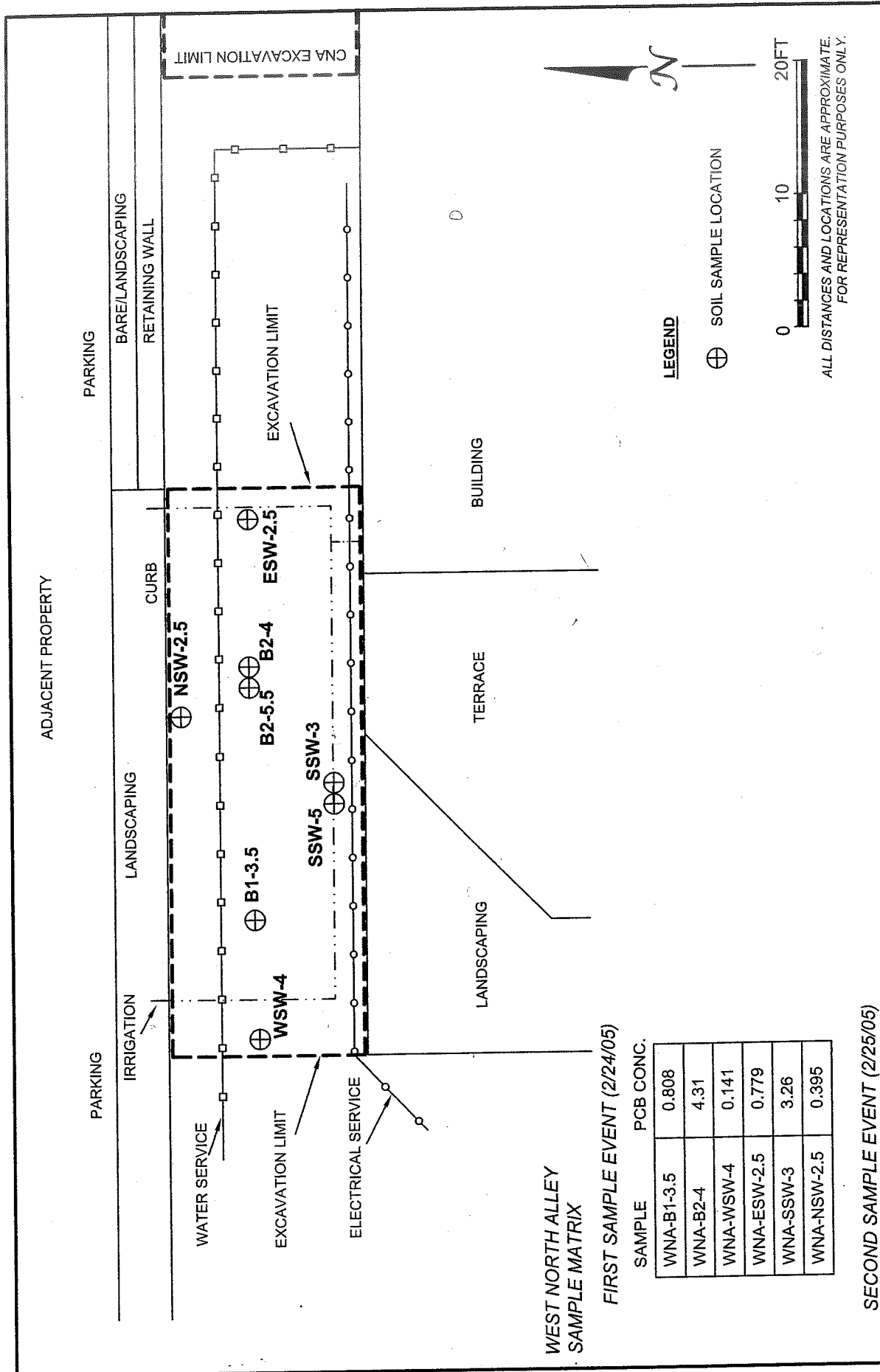
**VICINITY MAP**

American West Bank  
 Schade Brewery  
 528 East Trent Avenue  
 Spokane, Washington



Figure 1





**WEST NORTH ALLEY  
SAMPLE MATRIX**

**FIRST SAMPLE EVENT (2/24/05)**

SAMPLE	PCB CONC.
WNA-B1-3.5	0.808
WNA-B2-4	4.31
WNA-WSW-4	0.141
WNA-ESW-2.5	0.779
WNA-SSW-3	3.26
WNA-NSW-2.5	0.395

**SECOND SAMPLE EVENT (2/25/05)**

SAMPLE	PCB CONC.
2WNA-SSW-5	0.463
2WNA-B2-5.5	0.389

RESULTS REPORTED IN MILLIGRAMS PER KILOGRAM (mg/kg)

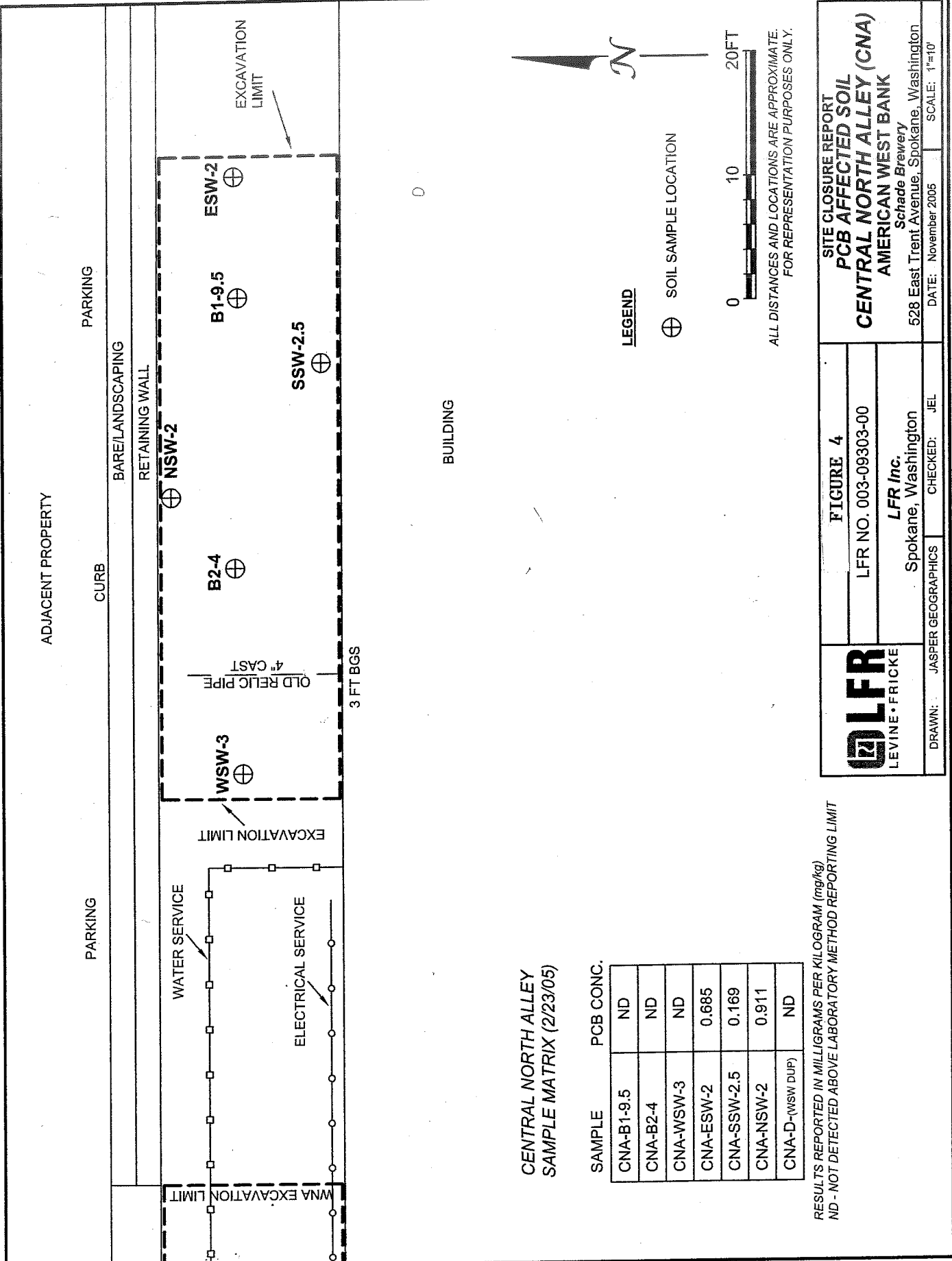
**LEGEND**

⊕ SOIL SAMPLE LOCATION



ALL DISTANCES AND LOCATIONS ARE APPROXIMATE.  
FOR REPRESENTATION PURPOSES ONLY.

	<p><b>FIGURE 3</b></p>	<p><b>SITE CLOSURE REPORT</b></p>
	<p>LF# NO. 003-09303-00</p>	<p><b>PCB AFFECTED SOIL</b></p>
<p>Spokane, Washington</p>	<p><b>AMERICAN WEST BANK</b></p>	<p><b>WEST NORTH ALLEY (WNA)</b></p>
<p>JASPER GEOGRAPHICS</p>	<p><b>LFR Inc.</b></p>	<p>Schade Brewery</p>
<p>DRAWN: JEL</p>	<p>CHECKED: JEL</p>	<p>528 East Trent Avenue, Spokane, Washington</p>
<p>DATE: November 2005</p>	<p>SCALE: 1"=10'</p>	



**CENTRAL NORTH ALLEY  
SAMPLE MATRIX (2/23/05)**

SAMPLE	PCB CONC.
CNA-B1-9.5	ND
CNA-B2-4	ND
CNA-WSW-3	ND
CNA-ESW-2	0.685
CNA-SSW-2.5	0.169
CNA-NSW-2	0.911
CNA-D-(wsw dup)	ND

RESULTS REPORTED IN MILLIGRAMS PER KILOGRAM (mg/kg)  
ND - NOT DETECTED ABOVE LABORATORY METHOD REPORTING LIMIT

**LEGEND**

⊕ SOIL SAMPLE LOCATION



ALL DISTANCES AND LOCATIONS ARE APPROXIMATE.  
FOR REPRESENTATION PURPOSES ONLY.

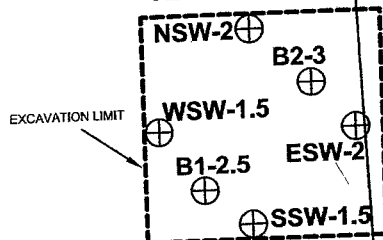


**FIGURE 4**  
LFR NO. 003-09303-00  
**LFR Inc.**  
Spokane, Washington

**SITE CLOSURE REPORT  
PCB AFFECTED SOIL  
CENTRAL NORTH ALLEY (CNA)**  
**AMERICAN WEST BANK**  
*Schade Brewery*  
528 East Trent Avenue, Spokane, Washington  
DATE: November 2005 SCALE: 1"=10'

DRAWN: JASPER GEOGRAPHICS CHECKED: JEL

**TEST PIT TP5**



PARCEL 35174.0556

PARCEL 35173.0122

**TEST PIT TP5  
SAMPLE MATRIX (2/24/05)**

SAMPLE	PCB CONC.
TP5-B1-2.5	0.0653
TP5-B2-3	ND
TP5-NSW-2	ND
TP5-ESW-2	ND
TP5-SSW-1.5	ND
TP5-WSW-1.5	ND
TP5-D (TP5-B1 DUP)	0.0983

**LEGEND**

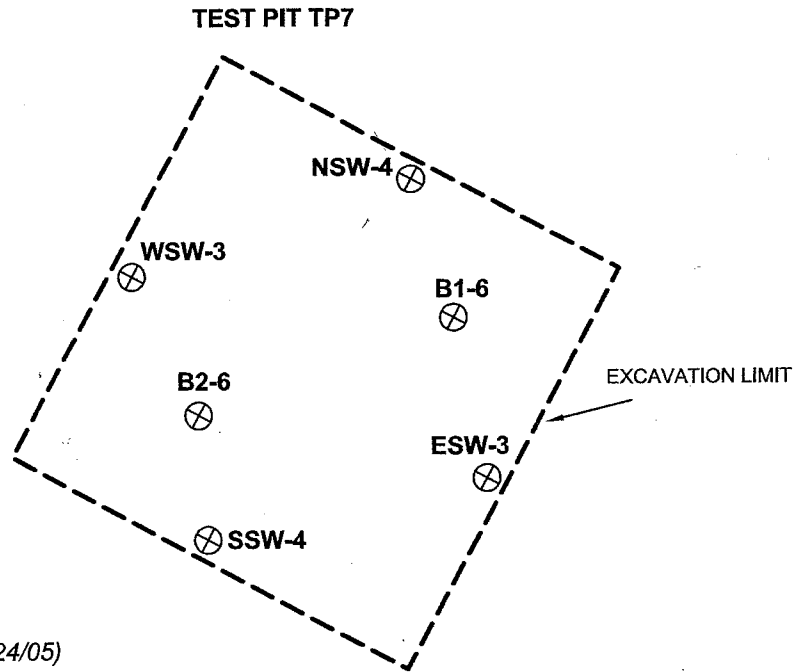
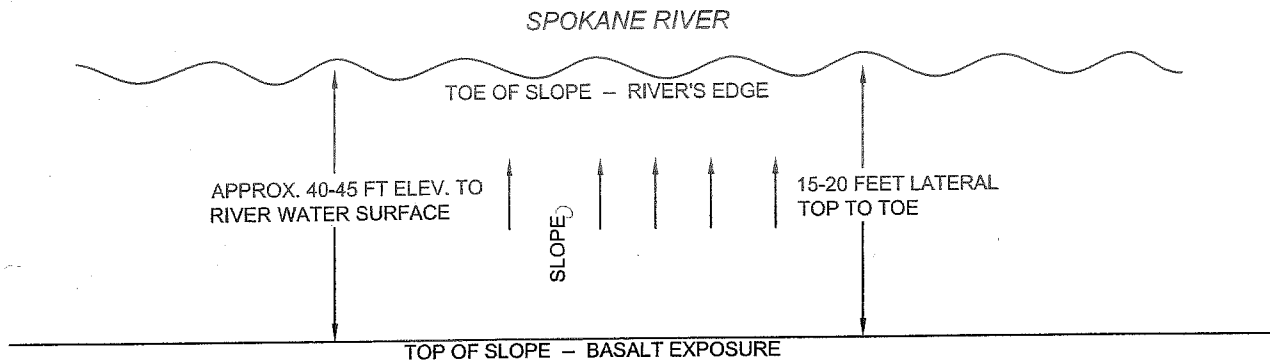
⊕ SOIL SAMPLE LOCATION



ALL DISTANCES AND LOCATIONS ARE APPROXIMATE.  
FOR REPRESENTATION PURPOSES ONLY.

RESULTS REPORTED IN MILLIGRAMS PER KILOGRAM (mg/kg)  
ND - NOT DETECTED ABOVE LABORATORY METHOD REPORTING LIMIT

	<b>FIGURE 5</b>		<b>SITE CLOSURE REPORT PCB AFFECTED SOIL TEST PIT 5 (TP5) AMERICAN WEST BANK Schade Brewery 528 East Trent Avenue, Spokane, Washington</b>
	LFR NO. 003-09303-00		
	<b>LFR Inc.</b> Spokane, Washington		
.DRAWN: JASPER GEOGRAPHICS	CHECKED: JEL	DATE: November 2005	SCALE: 1"=20'



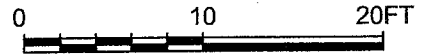
TEST PIT TP7  
SAMPLE MATRIX (2/24/05)

SAMPLE	PCB CONC.
TP7-B1-6	0.229
TP7-B2-6	0.0921
TP7-NSW-4	ND
TP7-ESW-3	ND
TP7-SSW-4	0.375
TP7-WSW-3	ND

RESULTS REPORTED IN MILLIGRAMS PER KILOGRAM (mg/kg)  
ND - NOT DETECTED ABOVE LABORATORY METHOD REPORTING LIMIT

**LEGEND**

⊕ SOIL SAMPLE LOCATION



ALL DISTANCES AND LOCATIONS ARE APPROXIMATE.  
FOR REPRESENTATION PURPOSES ONLY.



	<b>FIGURE 6</b>	<b>SITE CLOSURE REPORT</b> <b>PCB AFFECTED SOIL</b> <b>TEST PIT 7 (TP7)</b> <b>AMERICAN WEST BANK</b> <i>Schade Brewery</i> 528 East Trent Avenue, Spokane, Washington	
	LFR NO. 003-09303-00		
	<b>LFR Inc.</b> Spokane, Washington		
DRAWN: JASPER GEOGRAPHICS	CHECKED: JEL	DATE: November 2005	SCALE: 1"=10'

**TABLE 1: PCB Confirmation Soil Sample Results**  
Former Schade Brewery Property  
PCB Area Cleanup Action  
February 23 through 25, 2005

North Alley - West Area			
Sample No.	Sample Location	Depth (ft bgs)	PCB Concentration
WNA-B1-3.5	bottom, west side	3.5	0.808
WNA-WSW-4	west sidewall	4	0.141
WNA-SSW-3	south sidewall	3	3.26 [R] <sup>(1)</sup>
2WNA-SSW-5	re-sample beneath SSW-3	5	0.463
WNA-B2-4	bottom, east side	4	4.31 [R]
2WNA-B2-5.5	re-sample beneath B2-4	5.5	0.389
WNA-ESW-2.5	east sidewall	2.5	0.779
WNA-NSW-2.5	north sidewall	2.5	0.395

North Alley - Central Area			
Sample No.	Sample Location	Depth (ft bgs)	PCB Concentration
CNA-B1-9.5	bottom, east side	9.5	ND <sup>(2)</sup>
CNA-WSW-3	west sidewall	3	ND
CNA-D	duplicate of WSW-3	3	ND
CNA-B2-4	bottom, west side	4	ND
CNA-SSW-2.5	south sidewall	2.5	0.169
CNA-NSW-2	north sidewall	2	0.911
CNA-ESW-2	east sidewall	2	0.685

Test Pit TP5 Area			
Sample No.	Sample Location	Depth (ft bgs)	PCB Concentration
TP5-B1-2.5	bottom, northwest corner	2.5	0.0653
TP5-D	duplicate of B1-2.5	2.5	0.0983
TP5-B2-3	bottom, southeast corner	3	ND
TP5-NSW-2	north sidewall	2	ND
TP5-ESW-2	east sidewall	2	ND
TP5-SSW-1.5	south sidewall	1.5	ND
TP5-WSW-1.5	west sidewall	1.5	ND

Test Pit TP7 Area			
Sample No.	Sample Location	Depth (ft bgs)	PCB Concentration
TP7-NSW-4	north sidewall	4	ND
TP7-ESW-3	east sidewall	3	ND
TP7-SSW-4	south sidewall	4	0.375
TP7-WSW-3	west sidewall	3	ND
TP7-B1-6	bottom, southeast corner	6	0.229
TP7-B2-6	bottom, northwest corner	6	0.0921

Notes:

- (1) [R] = concentration above MTCA Method A Soil Cleanup Level of 1.0 mg/kg, additional remedial excavation completed and re-sampled  
(2) ND = not detected above laboratory method reporting limit of 0.05 mg/kg

All results reported in milligrams per kilogram (mg/kg) or parts per million (ppm)