



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

October 22, 2003

Howard W. Small, R.G., C.P.G.
18608 89th Avenue NE
Bothell, WA 98011

Dear Mr. Small:

Re: Independent Remedial Action
Newman's Chevron, Bremerton, WA

Thank you for submitting the results of your independent remedial action for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Newman's Chevron Property located at 2021 6th Street, Bremerton, WA:

1. "Additional Subsurface Assessment, Interim TPH Evaluation, and Soil Excavation Report" by GeoScience Management, Inc. Dated March 26, 2001

The report listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190 or -7239.

Based upon the information in the report listed above, Ecology has determined that, at this time, the release of total petroleum hydrocarbons into the soil no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

In addition, the Restrictive Covenant filed on your property dated September 25, 2003, is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated. WAC 173-340-440(6) requires you to notify and seek comment from a city or county department with land use planning authority for real property subject to the Restrictive Covenant.



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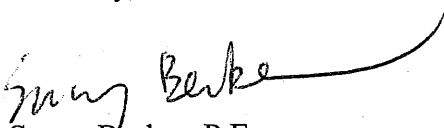
Ecology's no further action determination is made only with respect to the release identified in the report listed above. This no further action determination applies only to the area of the property affected by the release identified in the report at 2021 6th Street. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Mr. & Mrs Robert and Karin Newman.

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

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

If you have any questions, please contact Sunny Becker at (425) 649-7187.

Sincerely,

A handwritten signature in black ink that reads "Sunny Becker". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Sunny Becker, P.E.
Toxics Cleanup Program

Enclosure

BUSKIRK LAW OFFICES Inc., P.S.

The Clocktower, Suite 200, 3473 NW Lowell Street, Silverdale, WA 98383-7808

- BRUCE A. BUSKIRK
- ISAAC A. ANDERSON
- TODD A. BUSKIRK

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October 20, 2003

Sunny Becker, P.E.
Toxics Cleanup Program
State of Washington
Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, Washington 98008-5452

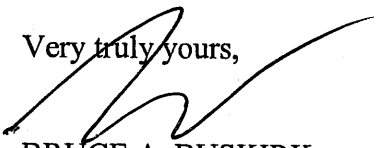
Re: Independent Remedial Action
Newman's Chevron, Bremerton, Washington

Dear Ms. Becker:

Pursuant to your letter of May 25, 2001 to Howard Small, I enclose copies of the recorded Restrictive Covenant and the October 13, 2003 letter to the City of Bremerton, Department of Community Development.

If you have any questions, please contact me. Thank you for your cooperation.

Very truly yours,



BRUCE A. BUSKIRK
bbuskirk@buskirklaw.com

BAB:ddt

Enclosures

cc: Nordic Properties, Inc.
Mr. Howard W. Small

E:\CLIENT\0788-002\lt dept ecology 10-20-03.wpd

RESTRICTIVE COVENANT

Newman's Chevron

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Bob and Karen Newman, their 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 document:

"Additional Subsurface Assessment, Interim TPH Evaluation, and Soil Excavation Report" by GeoScience Management, Inc. dated March 26, 2001

The document is on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the soil underneath the existing Underground Storage Tanks (USTs) may potentially be contaminated by petroleum products. No samples were taken at the bottom of the excavation pits when the six old USTs were removed in August 1990.

The undersigned, Bob and Karen Newman, are the fee owner of real property (hereafter "Property") in the County of Kitsap, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

[imagine your legal description here]

Bob and Karen make 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: The Owner shall not alter, modify, or remove the existing USTs in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the existing USTs 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

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KITSAP CO, WA
KARIN L NEWMAN

Newman's Chevron

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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. 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.

Robert S & Karin L Newman
[NAME OF PROPERTY OWNER]

9/25/03
[DATE SIGNED]



KARIN L NEWMAN



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LETTER \$38.00 Kitsap Co, WA

Bob and Karen Newman
2021 6th Street
Bremerton, WA 98337

RESTRICTIVE COVENANT

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440 Bob and Karen Newman of Property Owner, their successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description:

Tax Parcel I.D. #:



KARIN L NEWMAN

LETTER \$30.00 Kitsap Co, WA

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