THIRD PERIODIC REVIEW REPORT
FINAL

Xytec Clorox Lakewood
Facility Site ID#: 1287
Cleanup Site ID#: 3913

9314 47th Avenue SW, Building 10
Tacoma, Washington 98499

Southwest Regional Office
TOXICS CLEANUP PROGRAM

March 2024

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the former Xytec Clorox Facility (Site). Cleanup at this Site was regulated by the Model Toxics Control Act (MTCA), Chapter 173-340 Washington Administrative Code (WAC). The second periodic review was completed in December 2016. This periodic review evaluates the period from December 2016 through December 2021.

Cleanup activities at this Site were conducted in the Independent Remedial Action Program (IRAP). The cleanup actions resulted in residual concentrations of petroleum hydrocarbons exceeding MTCA Method A cleanup levels in soil. The cleanup levels for soil were established under WAC 173-340-740(2). The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

(a) Whenever the department conducts a cleanup action.

(b) Whenever the department approves a cleanup action under an order, agreed order or consent decree.

(c) Or, as resources permit, whenever the department issues a No Further Action (NFA) opinion.

(d) And one of the following conditions exists:

1. Institutional controls or financial assurance are required as part of the cleanup.
2. Where the cleanup level is based on a practical quantitation limit.
3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

(a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site.

(b) New scientific information for individual hazardous substances of mixtures present at the Site.

(c) New applicable state and federal laws for hazardous substances present at the Site.

(d) Current and projected Site use.

(e) Availability and practicability of higher preference technologies.

(f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site history

The former Xytec Clorox Facility is located at 9314 47th Avenue SW, in an industrial area of south Tacoma in Pierce County, Washington. A vicinity map is available as Appendix 6.1. Following remedial activities, a Restrictive Covenant was recorded for the property on May 11, 1999. The Site received a NFA determination on December 8, 1995. The Site continues to be used for industrial purposes.

The former Xytec Clorox Facility was located in Building 10 in the Lakewood/Tacoma Industrial Park. The Industrial Park is owned by Northwest Building Corporation (NWBC) who acquired the property in 1966. The buildings were constructed at the Site between the mid-1970s and 1980s to form the current Industrial Park. The United States Navy owned the property previously and used it as a warehouse and storage depot in support of operations at the Bremerton Naval Shipyard. A Site plan is available as Appendix 6.2.

Building 10 was used for the manufacture of plastic molded products since Monitor Molded Products took occupancy in the late 1970s. As a result of a change in ownership of Monitor Molded Products, the Clorox Company became the lessee of Building 10. The building was subleased to Northwest Molded Products, followed by Perstorp Xytec, Inc. Perstorp Xytec and the Clorox Company were sued by NWBC to recover costs associated with remediation at this facility. As a part of the lawsuit settlement, Clorox agreed to perform the cleanup action.

2.2 Site investigations

In July 1990, NWBC retained SRH Environmental Management (SRH) to perform a Level I and Level II property Site assessment for the Industrial Park. During the Level II assessment in November 1990, SRH identified the presence of petroleum-containing soils in the Xytec loading dock area. Twelve test pits were excavated to define the extent of the petroleum-containing soils. They found soil contaminated with petroleum to a depth of about 12 feet at the north side of Building 10 around the loading dock.

Kennedy/Jenks Consultants (KJC) performed a supplemental soil and groundwater study for NWBC in March 1992 to evaluate the vertical extent of petroleum-containing soils and to further evaluate Site groundwater quality. The KJC data confirmed that the petroleum-containing soil was contained primarily within the upper 14 feet of subsurface soil.

Hart Crowser conducted the third round of soil and groundwater studies in January 1993 to further define the horizontal extent of petroleum-containing soils, to confirm that groundwater quality was not being affected by the petroleum hydrocarbons, and to help select remedial options.

Total petroleum hydrocarbon (TPH) concentrations in the soil ranged from below detection limits to 17,000 milligram per kilogram (mg/kg). Within the area of contamination TPH

concentrations were relatively consistent with an average concentration of approximately 7,500 mg/kg. The highest petroleum concentrations were generally observed in the upper 10 to 15 feet of soil. Below depths of 10 to 15 feet, TPH concentrations decrease significantly with depth and generally do not exceed the MTCA Method A soil cleanup level of 200 mg/kg used at the time for this Site.

Photographs from the 1980's and employee records suggest that above ground hydraulic oil tanks and/or waste oil tanks may have previously been in the vicinity of the loading dock remediation area. It is suspected that some of the activities associated with the tanks in this area may have caused some of the petroleum hydrocarbon contamination; however, there are no records of waste handling practices or potential quantities spilled or otherwise released in the area around the loading dock in the northwest corner of Building 10.

2.3 Remedial activities

The remedial actions conducted between September and November 1993 included excavation of accessible petroleum-containing soils with recycling of the soils at Woodworth & Company's thermal treatment/asphalt recycling facility in Tacoma, Washington. A total of 1,550 tons (approximately 960 cubic yards) of petroleum containing soils were hauled off Site according to the truck weight tickets.

Excavation boundaries were confined by the presence of existing structures and utilities. The excavation extended to depths of between 10 feet in the immediately vicinity of the loading dock to as deep as 16 feet in the centers of both excavations to the east and west of the loading dock.

Thirty-four confirmation soil samples were collected from the excavation side walls and bottom. The sampling results indicated the base of the excavation to be relatively clean. However, elevated concentrations of petroleum hydrocarbons remained along the sides of the excavation to the south, west, and more limited to the north, and around the west, south, and east sides of the compactor. Soil samples collected along the excavation side walls generally contained TPH concentrations exceeding 200 mg/kg. Further excavation along the side walls could not be accomplished due to the presence of Building 10 to the south, the active railroad line to the east, buried industrial park utility lines (including 2-foot-diameter high voltage power) to the north, and the transformer and associated power lines to the west. Based on soil sampling data collected as part of the Site characterization studies, it is unlikely that petroleum-containing soils extend beyond 10 to 20 feet from the excavation side walls. The soil sampling locations and results are presented in Appendix 6.3.

The excavation was backfilled with clean borrow soil and covered with a three-layer low permeability cap. The cap consists 3.5 inches of asphalt with a layer of asphalt-impregnated geotextile, over 4 inches of crushed rock, over 12 inches of low permeability controlled density fill.

2.4 Cleanup levels

MTCA Method A cleanup levels were used for the Site. Some of the key contaminants of concern (COC) and their cleanup levels before and after MTCA changes in 2001 are listed in the table below:

Analyte	1991 MTCA Soil Cleanup Level (mg/kg)	2001 MTCA Method A Soil Cleanup Level (mg/kg)	1991 MTCA Method A Groundwater Cleanup level (µg/L)	2001 MTCA Method A Groundwater Cleanup Level (µg/L)
Benzene	0.5	0.03	5	5
Ethylbenzene	20	6	30	NL
Toluene	40	7	40	1000
Total Xylenes	20	9	20	1000
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed
ND = Not detected
* = Method B level

2.5 Groundwater monitoring

Groundwater monitoring was conducted at the Site between 1990 and 1995. TPH was not detected in any of the seven wells at the Site following remedial activities. Volatile organic compounds were not detected above MTCA Method A or Method B cleanup levels in any of the wells following remedial activities. Groundwater monitoring data is available as Appendix 6.4.

2.6 Restrictive covenant

The Restrictive Covenant was recorded in 1999 and is available as Appendix 6.5. The following limitations are found in the current Restrictive Covenant:

> **Section 1:** Building 10 contains soil with residual petroleum hydrocarbons contamination located on the north side, as described in the above-referenced documents. The area on the north side of Building 10 has been capped and the roof drains have been routed so drainage flows away from the north side of Building 10. Any plans for alteration, modifications or removal of the cap or the modified roof drains

shall be submitted to and approved by Ecology or its successor agency prior to such actions.

Section 2: No title, easement, lease or other interest in Building 10 (as described in Exhibit A) shall be conveyed or entered into without adequate provision for the terms of this Declarations of Restrictive Covenant.

Section 3: The Owner must notify and obtain approval from Ecology, or its successor agency, prior to any use of Building 10 that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve any inconsistent use only after public notice and comment.

Section 4: The Owner shall allow authorized representatives from Ecology, or its successor agency, the right to enter Building 10 at reasonable time after prior notice for the purpose of evaluating Cleanup Action, taking samples, inspecting remedial actions conducted at Building 10, and inspecting records that are related to the Cleanup Action.

Section 5: The Owner of Building 10 and the Owner's assigns and successors in interest reserve the right under WAC 173-340-440(8) to record an instrument which provides that the Restrictive Covenant shall no longer limit use of Building 10 or be of any further force or effect. However, such an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.

The Environmental Covenant is available as Appendix 6.5.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on July 15, 2021, the building and asphalt cover at the Site continue to eliminate exposure to contaminated soils by ingestion and direct contact. The Site continues to operate as a commercial facility. A photo log is available as Appendix 6.6.

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that could result in the release of contaminants contained as part of the cleanup, unless Ecology approves of the activity, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant ensures the long term integrity of the asphalt cap.

Soils with TPH concentrations higher than MTCA Method A cleanup levels are still present at the Site. However, the structures and asphalt surface prevent human exposure to this contamination by ingestion and direct contact with soils and the Restrictive Covenant will prevent future exposure of these soils to the environment. The five rounds of post-remediation quarterly groundwater monitoring results show no groundwater contamination.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the petroleum contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for some COCs at the Site as a result of modifications to MTCA in 2001, contamination remains at the Site above MTCA Method A cleanup levels and the cleanup action is still protective of human health and the environment.

3.4 Current and projected site use

The Site is currently used for industrial purposes. It contains a warehouse used for the distribution of home and farm products. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances and is likely to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- Soil cleanup levels have not been met at the Site; however, under WAC 173-340-740(6)(d), the cleanup action is determined to comply with cleanup standards, since the long-term integrity of the containment system is ensured and the requirements for containment technologies in WAC 173-340-360(8) have been met.
- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting humans from direct contact to hazardous substances.

Based on this review, Ecology has determined that the remedial actions conducted at the Site continue to be protective of human health and the environment. The requirements of the Restrictive Covenant are being satisfactorily met and no additional remedial actions are required at the Site at this time. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the Site cover is maintained.

4.1 Next review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

Hart Crowser. June 1995. Final Independent Remedial Action Closure Report.

Hart Crowser. August 1995. Xytec Loading Dock Area Cleanup.

Department of Ecology. Restrictive Covenant, 1999.

Department of Ecology. July 15, 2021 Site Visit.

6.0 APPENDICES

6.1 Vicinity map

Vicinity Map

Note: Base map developed from USGS 7.5 minute Quadrangles entitled 'Tacoma South', dated 1961, and 'Steilacoom', dated 1959.

6.2 Site plan

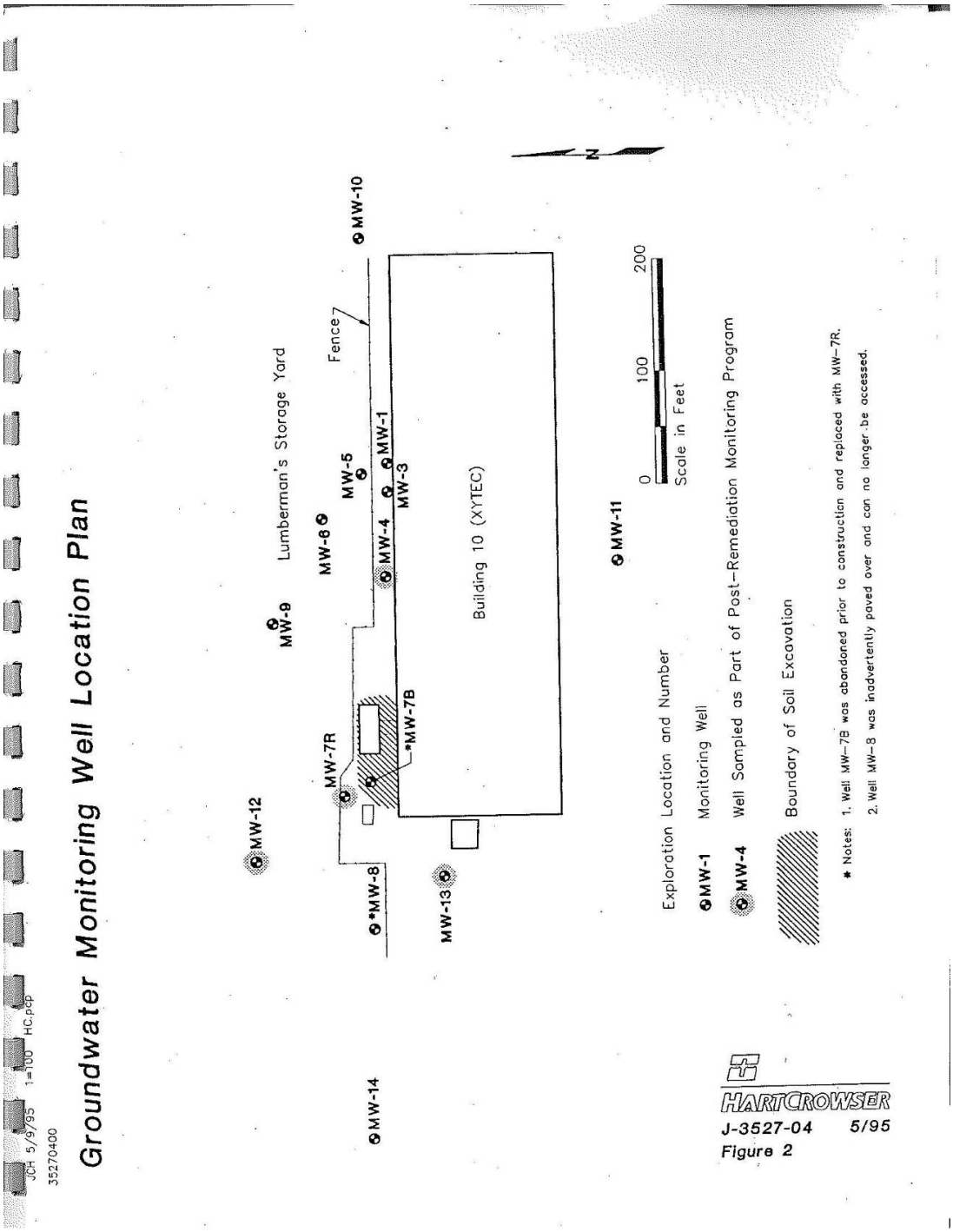
Groundwater Monitoring Well Location Plan
JCH 5/9/95 1=100 HC.pdp
35270400
MW-12
MW-9
Lumberman's Storage Yard
MW-8
MW-5
MW-10
Fence
MW-1
MW-4
MW-3
Building 10 (XYTEC)
MW-7R
*MW-7B
MW-11
*MW-8
MW-13
MW-14
N
0
100
200
Scale in Feet
Exploration Location and Number
MW-1 Monitoring Well
MW-4 Well Sampled as Part of Post-Remediation Monitoring Program
Boundary of Soil Excavation
* Notes: 1. Well MW-7B was abandoned prior to construction and replaced with MW-7R.
2. Well MW-8 was inadvertently paved over and can no longer be accessed.
HARTCROWSER
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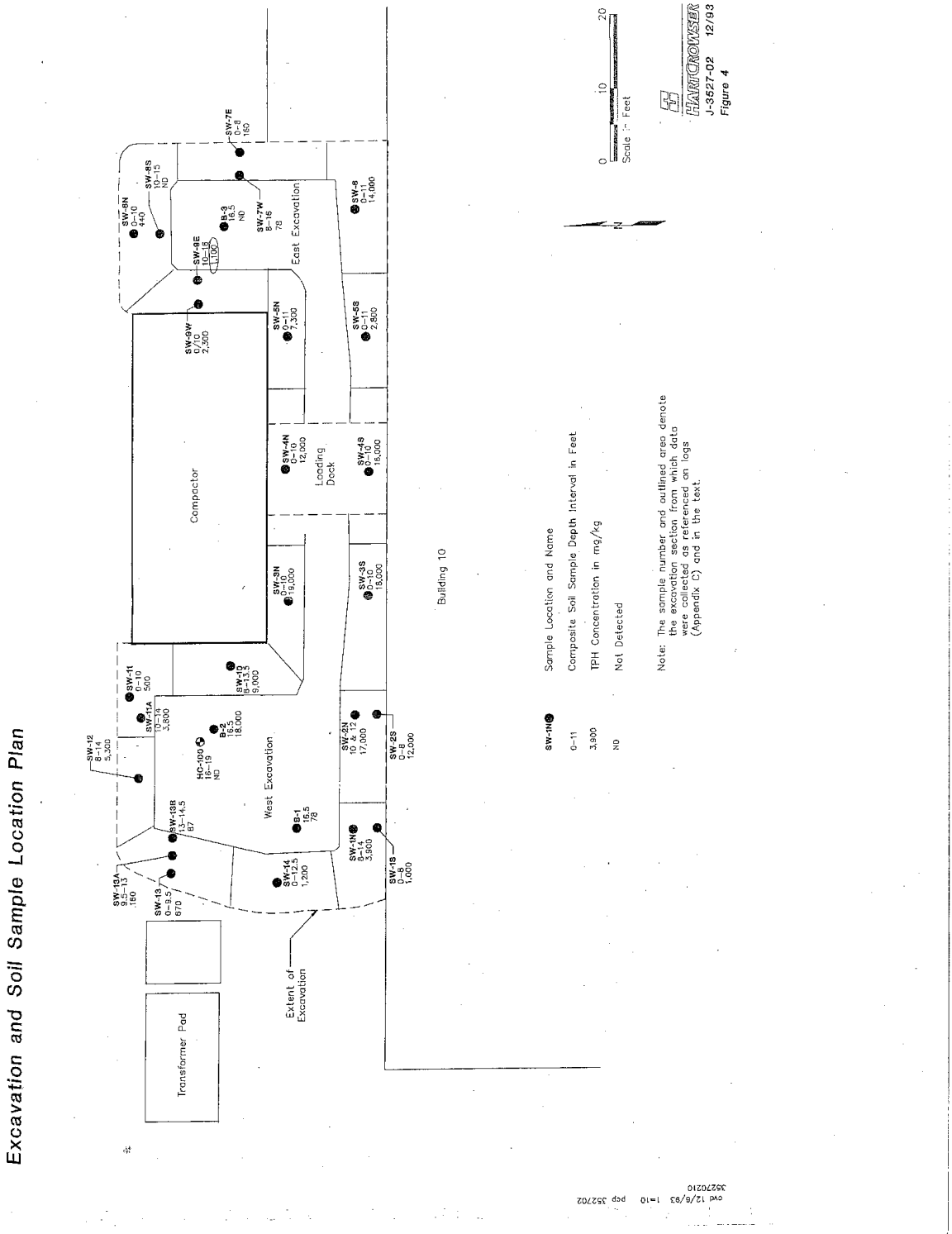
Figure 2

6.3 Confirmation soil sample locations and results



6.4 Groundwater monitoring data

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Table 2 – Summary of Groundwater Quality Data Xytec Dock Area

Sample Location:	MTCA Cleanup Level		MW-4										MW-7B			
Sampling Period	Method	Method	Pre-Remediation			Post-Remediation							Pre-Remediation			
Date Sampled:	A	B	10/90	4/3/92	4/3/92	11/92	12/13/93	3/14/94	8/2/94	10/19/94	4/7/95		10/90	4/3/92	4/3/92	11/10/92
Volatile Organics 8260 in µg/L (ppb)																
Acetone	NA	800	ND	ND	ND	ND	ND	ND	ND	ND	ND		ND	ND	ND	ND
Methylene Chloride	5	6	8.4	ND	ND	ND	ND	ND	ND	ND	ND		ND	ND	ND	ND
cis-1,2-dichloroethene	NA	70	NT	NT	ND	NT	95	7.8	9.2	30	ND		NT	NT	ND	NT
trans-1,2-dichloroethene	NA	100	NT	NT	ND	NT	ND	ND	ND	ND	ND		NT	NT	ND	NT
1,2-dichloroethene (Total)	NA	NA	33.2	6	NT	100	NT	NT	NT	NT	NT		102	7	NT	3.2
1,1-dichloroethane	NA	800	ND	ND	ND	1.7	ND	ND	ND	ND	ND		10.9	1	ND	1.4
Tetrachloroethene	5	5	2.5	ND	ND	5.3	2.6	ND	2.2	2.2	ND		ND	ND	ND	0.72
1,1,1-trichloroethane	200	200	ND	ND	ND	1.1	ND	ND	ND	ND	ND		4	ND	ND	0.80
Trichloroethene	5	5	13.4	2	ND	36	21	2.0	2.9	14	ND		ND	ND	ND	0.25 J
Toluene	40	1,000	NT	ND	ND	ND	ND	ND	ND	ND	ND		ND	ND	ND	ND
MEK	NA	4,800	ND	ND	ND	ND	ND	ND	ND	ND	ND		NT	ND	ND	ND
Total Petroleum Hydrocarbons (TPH) 418.1 in µg/L (ppb)	1,000	NA	NT	ND	ND	ND	ND	ND	ND	ND	ND		NT	ND	ND	ND
Polynuclear Aromatic Hydrocarbons (PAHs) 8310 in µg/L (ppb)																
Anthracene	NA	4,800	NT	NT	NT	NT	NT	NT	NT	NT	NT		NT	NT	NT	0.011
Field Parameters																
pH	NA	NA	NT	NT	NT	7.1	NT	NT	8.3	6.6	8.2		NT	NT	NT	7.1
Temperature in °C	NA	NA	NT	NT	NT	12	NT	NT	12	11	11		NT	NT	NT	11.1
Specific Conductivity in µMhos	NA	NA	NT	NT	NT	280	NT	NT	280	150	170		NT	NT	NT	150
Dissolved Oxygen in mg/L	NA	NA	NT	NT	NT	NT	NT	NT	NT	NT	NT		NT	NT	NT	6.6

Notes: Results are reported for those compounds detected in at least one sample.
Trace denotes less than 2.5 ppb.

ND Not detected.
J Estimated value – below practical quantitation limit.
J3 Estimated value – exceeded recommended holding time.
NT Not tested.
NA Not Available

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Table 2 – Summary of Groundwater Quality Data Xytec Dock Area

Sample Location:	MW-7R						MW-8			MW-9			
Sampling Period	Post-Remediation						Pre-Remediation			Pre-Remediation			
Date Sampled:	12/13/93	3/14/94	8/2/94	10/19/94	4/7/95		10/90	4/3/92	4/3/92	10/90	4/3/92	4/3/92	11/9/92
Volatile Organics 8260 in µg/L (ppb)													
Acetone	ND	ND	ND	ND	ND		ND	ND	ND	ND	ND	ND	ND
Methylene Chloride	ND	ND	ND	ND	ND		ND	ND	ND	ND	ND	ND	ND
cis-1,2-dichloroethene	ND	ND	ND	ND	ND		ND	ND	ND	NT	NT	ND	NT
trans-1,2-dichloroethene	ND	ND	ND	ND	ND		ND	ND	ND	NT	NT	ND	NT
1,2-dichloroethene (Total)	NT	NT	NT	NT	NT		NT	NT	NT	3.5	3	NT	1.3
1,1-dichloroethane	ND	ND	ND	ND	ND		ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene	ND	ND	ND	ND	ND		6.9	3	3.5 J	0.9	ND	ND	0.33 J
1,1,1-trichloroethane	ND	ND	ND	ND	ND		ND	ND	ND	ND	ND	ND	0.35
Trichloroethene	ND	ND	ND	ND	ND		ND	ND	ND	ND	ND	ND	0.56
Toluene	ND	ND	ND	ND	ND		ND	ND	ND	ND	ND	ND	ND
MEK	ND	ND	ND	ND	ND		NT	ND	ND	NT	ND	ND	ND
Total Petroleum Hydrocarbons (TPH) 418.1 in µg/L (ppb)	ND	ND	ND	ND	ND		NT	ND	ND	NT	ND	ND	ND
Polynuclear Aromatic Hydrocarbons (PAHs) 8310 in µg/L (ppb)													
Anthracene	NT	NT	NT	NT	NT		NT	NT	NT	NT	NT	NT	NT
Field Parameters													
pH	NT	NT	7.8	6.6	7.6		NT	NT	NT	NT	NT	NT	7.2
Temperature in °C	NT	NT	13	13	12		NT	NT	NT	NT	NT	NT	13.1
Specific Conductivity in µMhos	NT	NT	120	170	150		NT	NT	NT	NT	NT	NT	160
Dissolved Oxygen in mg/L	NT	NT	NT	NT	NT		NT	NT	NT	NT	NT	NT	6.3

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Table 2 – Summary of Groundwater Quality Data Xytec Dock Area

Sample Location:	MW-12									MW-13		
Sampling Period	Pre-Remediation				Post-Remediation					Pre-Remediation		
Date Sampled:	10/90	4/3/92	4/3/92	11/10/92	12/13/93	3/14/94	8/2/94	10/19/94	4/7/95	10/90	4/3/92	11/10/92
Volatile Organics 8260 in µg/L (ppb)												
Acetone	ND	ND	ND	ND	ND	6.0	ND	ND	ND	ND	ND	ND
Methylene Chloride	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
cis-1,2-dichloroethene	NT	ND	ND	NT	ND	1.2	ND	ND	ND	ND	ND	NT
trans-1,2-dichloroethene	NT	ND	ND	NT	ND	ND	ND	ND	ND	ND	ND	NT
1,2-dichloroethene (Total)	9	NT	NT	0.29	NT	NT	NT	NT	NT	NT	NT	ND
1,1-dichloroethane	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene	ND	ND	ND	0.53	1.4	ND	ND	ND	ND	ND	ND	0.49 J
1,1,1-trichloroethane	ND	ND	ND	0.39	ND	ND	ND	ND	ND	ND	ND	ND
Trichloroethene	1	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Toluene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
MEK	NT	ND	ND	ND	ND	ND	ND	ND	ND	NT	ND	ND
Total Petroleum Hydrocarbons (TPH) 418.1 in µg/L (ppb)	2,400	ND	NT	ND	ND	ND	ND	ND	ND	1,900	ND	ND
Polynuclear Aromatic Hydrocarbons (PAHs) 8310 in µg/L (ppb)												
Anthracene	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT
Field Parameters												
pH	NT	NT	NT	7.1	NT	NT	NA	6.5	7.8	NT	NT	7.4
Temperature in °C	NT	NT	NT	12.5	NT	NT	12	13	11	NT	NT	13
Specific Conductivity in µMhos	NT	NT	NT	140	NT	NT	670	150	160	NT	NT	80
Dissolved Oxygen in mg/L	NT	NT	NT	7.5	NT	NT	NT	NT	NT	NT	NT	7.2

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Table 2 – Summary of Groundwater Quality Data Xytec Dock Area

Sample Location:	MW-13					MW-14			
Sampling Period	Post-Remediation					SRH	KJC	HC	
Date Sampled:	12/13/93	3/14/94	8/2/94	10/19/94	4/7/95	10/90	4/3/92	11/9/92	
Volatile Organics 8260 in µg/L (ppb)									
Acetone	ND	ND	ND	DRY	ND	ND	ND	ND	
Methylene Chloride	ND	ND	ND	DRY	ND	ND	ND	ND	
cis-1,2-dichloroethene	ND	ND	ND	DRY	ND	ND	ND	NT	
trans-1,2-dichloroethene	ND	ND	ND	DRY	ND	ND	ND	NT	
1,2-dichloroethene (Total)	NT	NT	NT	DRY	NT	NT	NT	ND	
1,1-dichloroethane	ND	ND	ND	DRY	ND	ND	ND	ND	
Tetrachloroethene	ND	ND	ND	DRY	ND	ND	ND	ND	
1,1,1-trichloroethane	ND	ND	ND	DRY	ND	ND	ND	ND	
Trichloroethene	ND	ND	ND	DRY	ND	ND	ND	ND	
Toluene	ND	ND	ND	DRY	ND	ND	ND	ND	
MEK	ND	ND	ND	DRY	ND	NT	ND	ND	
Total Petroleum Hydrocarbons (TPH) 418.1 in µg/L (ppb)	ND	ND	ND	DRY	ND	3,900	ND	ND	J3
Polynuclear Aromatic Hydrocarbons (PAHs) 8310 in µg/L (ppb)									
Anthracene	NT	NT	NT	DRY	NT	NT	NT	NT	
Field Parameters									
pH	NT	NT	8	DRY	7.8	NT	NT	7.2	
Temperature in °C	NT	NT	13	DRY	12	NT	NT	14	
Specific Conductivity in µMhos	NT	NT	70	DRY	120	NT	NT	80	
Dissolved Oxygen in mg/L	NT	NT	NT	DRY	NT	NT	NT	NT	

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6.5 Environmental covenant

PIERCE COUNTY, WA
9905110574
5-11-1999 01:57 pm
Fee Amt: $14.00

After Recording Return To:
Lynn T. Manolopoulos
Davis Wright Tremaine LLP
1800 Bellevue Place
10500 NE Eighth Street
Bellevue, Washington 98004-4300

Document Title:
1. Declaration of Restrictive Covenants

Grantor:
1. Northwest Building Corporation

☐ Additional names on page _____ of document

Grantee:
1. State of Washington Department of Ecology

☐ Additional names on page _____ of document

Abbreviated Legal Description (lot/block/plat or section/township/range/quarter):

Northwest and Northeast quarters of Section 1, Township 19 North, Portion of the Range 2 East of the W.M., in Pierce County, Washington.

☑ Complete legal description is on page 4 of document

Assessor's Property Tax Parcel Account Number:
R02-20-36-3-034

AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING UNSATISFACTORY IN A PORTION OF THIS INSTRUMENT WHEN RECEIVED

F:\docs\30496\7\Recording Cover Sheet.doc

9905110574

DECLARATION OF RESTRICTIVE COVENANTS

Northwest Building Corporation
Xytec Site — Building 10
Lakewood-Tacoma Industrial Park

The property that is the subject of this Restrictive Covenant is the north side of Building 10 of the Lakewood/Tacoma Industrial Park, located in Lakewood, Washington (hereinafter referred to as "Building 10"). (This site is also referred to as the "Xytec Plastics" site on the W.D.O.E. Hazardous Sites List.) Building 10 has been the subject of an independent remedial action under Chapter 70.105D RCW. The remedial action undertaken to cleanup Building 10 (hereinafter referred to as the "Cleanup Action") is described in several documents prepared by Hart Crowser and PTI. These documents are listed in a "no further action" letter ("NFA Letter") to Thomas J. Lusardi of The Clorox Company from Charles S. Cline of the State of Washington Department of Ecology ("Ecology") dated April 28, 1999. The Cleanup Action documents and the NFA Letter are kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology.

The undersigned, Northwest Building Corporation, is the fee owner ("Owner") of real property in the County of Pierce, State of Washington (the "Property"), which includes Building 10. The portion of the Property on which Building 10 is located is described in Exhibit A attached hereto, and is located on the survey attached as Exhibit B. A map of Building 10 is attached hereto as Exhibit C.

The residual contamination that is the subject of this restrictive covenant is chlorinated solvent contamination as described in the above-referenced documents.

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

The Owner makes the following declaration as to limitations, restrictions, and uses to which Building 10 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 Building 10.

Section 1. Building 10 contains soil with residual chlorinated solvents contamination located on the north side, as described in the above-referenced documents. The area on the north side of Building 10 has been capped and the roof drains have been routed so drainage flows away from the north side of Building 10. Any plans for alteration, modification or removal of the cap or the modified roof drains shall be submitted to and approved by Ecology or its successor agency prior to such actions.

Section 2. No title, easement, lease or other interest in Building 10 (as described in Exhibit A) shall be conveyed or entered into without adequate provision for the terms of this Declaration of Restrictive Covenants.

Section 3. The Owner must notify and obtain approval from Ecology, or its successor agency, prior to any use of Building 10 that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve any inconsistent use only after public notice and comment.

Section 4. The Owner shall allow authorized representatives of Ecology, or its successor agency, the right to enter Building 10 at a reasonable time after prior notice for the purpose of evaluating the Cleanup Action, taking samples, inspecting remedial actions conducted at Building 10, and inspecting records that are related to the Cleanup Action.

Section 5. The Owner of Building 10 and the Owner's assigns and successors in interest reserve the right under WAC 173-340-440 (8) to record an instrument which provides that this Restrictive Covenant shall no longer limit use of Building 10 or be of any further force or effect.

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However such an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.

NORTHWEST BUILDING CORPORATION

By: Wayne E. Riesenauer

Its: Managing Director

Date: 5-6-99

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this 6 day of May, 1999, before me, a Notary Public in and for the State of Washington, personally appeared Wayne E. Riesenauer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the Managing Director of Northwest Building Corporation to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

LAURA FRANCOM NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES DEC 22, 2002

Laura Francom

LAURA FRANCOM
NOTARY PUBLIC in and for the State of Washington, residing at Shoreline
My appointment expires 12/22/02

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EXHIBIT A

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

PARCEL A:

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

Commencing at the Southwest corner of said Section 36; thence Northerly along the West line of said Section 36, North 00°23'04" East 751.18 feet to the true point of beginning; thence continuing Northerly along said West line North 00°23'04" East 511.05 feet to the Southwest corner of a parcel of land conveyed to the Clover Park School District No. 400 under Auditor's Fee No. 2235009; thence Easterly along the North line extended West of a parcel of land conveyed to Newport, Inc., under Auditor's Fee No. 2235010, South 89°31'47" East 1810.89 feet; thence Southerly, South 1°00'19" West 343.27 feet; thence Easterly, South 89°43'03" East 778.10 feet; thence Southerly, South 00°35'36" West 558.40 feet; thence Westerly, North 89°43'03" West 285.00 feet; thence Northerly, North 00°35'36" East 287.63 feet; thence Westerly, North 89°43'03" West 490.77 feet; thence Southerly, South 00°35'36" West 317.63 feet; thence Easterly, South 89°43'03" East 775.77 feet; thence Southerly, South 00°35'36" West 50.00 feet; thence Easterly, South 89°36'59" East 300.14 feet; thence Southerly, South 14°25'24" West 252.37 feet to the South line of the Southeast quarter of said Section 36; thence continuing Southerly, South 14°25'24" West 34.72 feet; thence Westerly, North 89°38'00" West 160.81 feet to the East line of Government Lot 3 in Section 1, Township 19 North, Range 2 East of the W.M.; thence Southerly, along the East line of said Government Lot 3, South 00°40'17" East 743.28 feet; thence Westerly, North 89°39'55" West 775.29 feet; thence Northerly, North 00°22'59" East 453.20 feet; thence Westerly, North 89°40'02" West 342.44 feet; thence Southerly, South 00°18'37" West 275.33 feet; thence Westerly, North 89°41'00" West 210.08 feet to the West line of said Government Lot 3; thence continuing Westerly, North 89°41'00" West 137.76 feet; thence Southerly, South 00°17'54" West 509.94 feet; thence Westerly, North 89°42'15" West 646.24 feet to the East line of said parcel of land conveyed to Fred Meyer Properties, Inc., under Auditor's Fee No. 2504609; thence Northerly along said East line extended, North 00°26'16" West 694.48 feet; thence Easterly, South 89°39'42" East 676.64 feet; thence Northerly, North 00°16'30" East 732.97 feet; thence Westerly, North 89°42'43" West 892.47 feet; thence Northerly, North 00°16'12" East 421.41 feet; thence Westerly, North 89°31'47" West 327.44 feet to the West line of the Southwest quarter of Section 36, Township 20 North, Range 2 East of the W.M., and the point of beginning.

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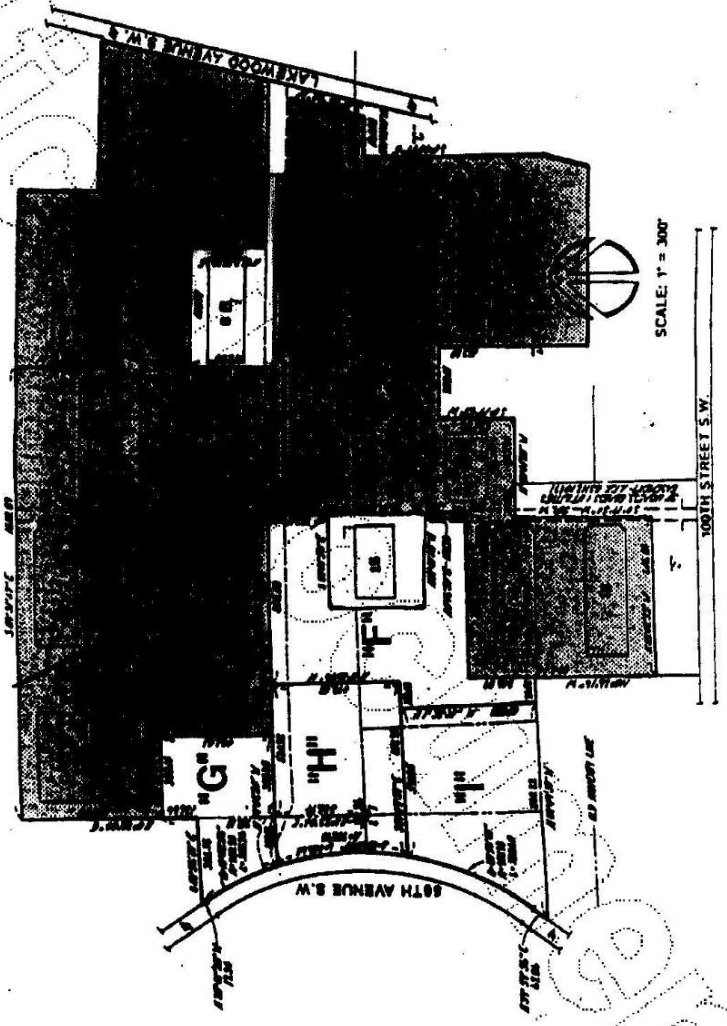
EXHIBIT B



SURVEY MAP

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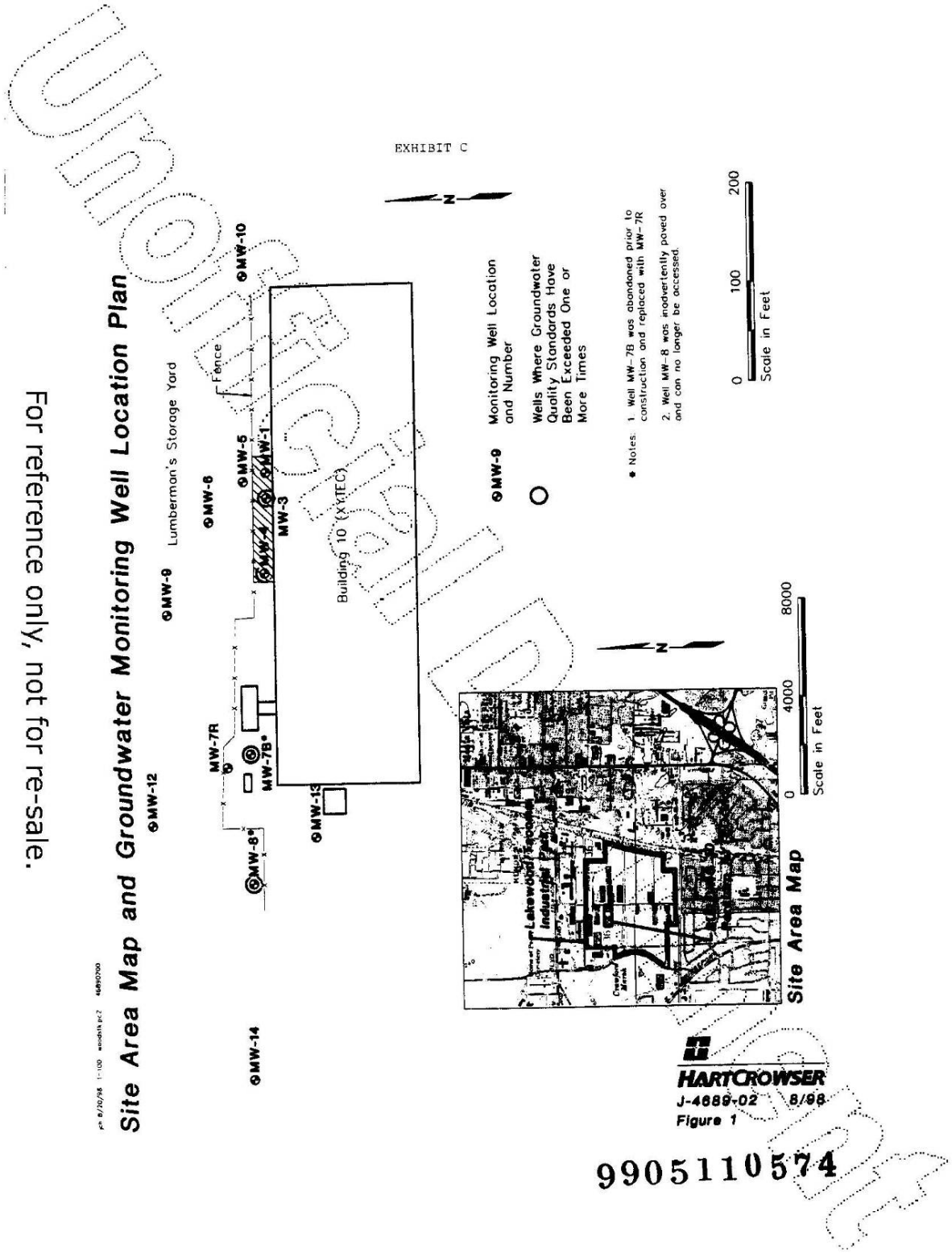

6.6 Photo log

Photo 1: Northside of Building 10, abandoned railroad tracks and asphalt pavement - from the northeast.

Photo 2: Westside of Building 10– from the southeast.

Photo 3: Abandoned groundwater monitoring well and soil boring, asphalt cap/pavement over the contaminated soil behind Building 10 – from the northeast.

Photo 4: Abandoned groundwater monitoring well and asphalt cap/pavement over the contaminated soil behind Building 10– from the southeast.

Photo 5: Former investigation area behind Building 10, abandoned soil boring.

Photo 6: Former investigation area behind Building 10, abandoned soil boring.

Photo 7: Inside storage, Building 10 – from the west.

Photo 8: Inside storage, Building 10 – from the Southwest.

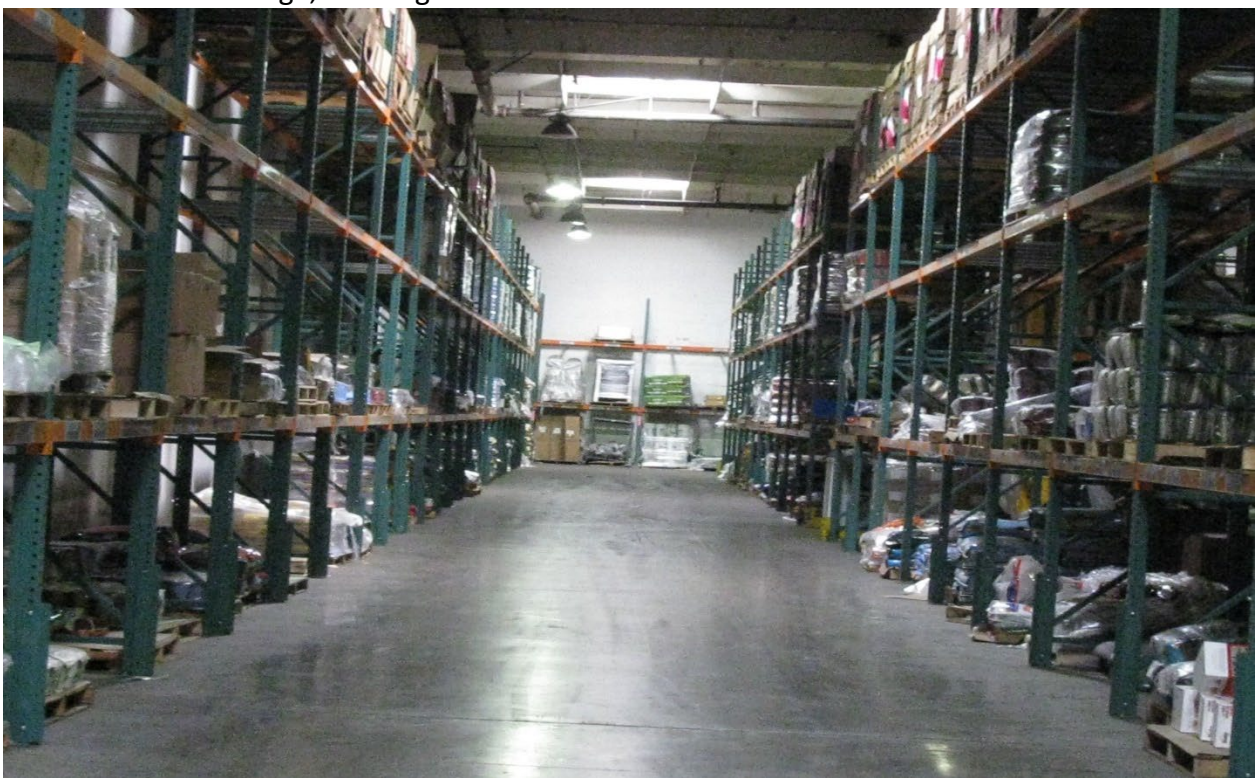

Photo 9: Northside of Building 10 and asphalt cap– from the northwest.

Photo 10: Southside of Building 10 – from the southeast.