



Shaping the Future

September 30, 2011
Cardno ERI 31108.14.NM.L13

Cardno ERI
License ENVIRRI044JD

Mr. Nnamdi Madakor, PHg, P.G.
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Voluntary Cleanup Program
Southwest Regional Office
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Tukwila, WA 98188
USA

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SUBJECT **Expedited Request to Modify Restrictive Covenant**
Former Exxon Station 73383
8315 South 212th Street
Kent, Washington

www.cardnoeri.com

Mr. Madakor:

At the request of ExxonMobil Environmental Services (EMES), on behalf of Exxon Mobil Corporation (ExxonMobil), Cardno ERI conducts environmental activities in accordance with the Model Toxics Control Act at the subject site. On April 27, 2005, the owner of the subject site, Mr. Chong S. Pak signed a Declaration of Restrictive Covenant as part of an effort to obtain an NFA determination for the subject site (Attachment 1). The NFA was granted June 27, 2005 (Attachment 2).

On February 17, 2010, the Washington Department of Ecology (Ecology) issued a Further Action letter, rescinding the earlier NFA (Attachment 3).

Cardno ERI requests a modification to the restrictive covenant to conduct environmental assessment activities to meet the substantive requirements of MTCA as described in Ecology's February 17, 2010 letter and a subsequent September 9, 2011 letter. The proposed assessment activities are described in brief in the attached Work Plan to Conduct Subsurface Assessment (Attachment 4), including a figure showing the locations of subsurface assessment.

The owner of the property, One5 Investments as represented by Mr. Pak, has indicated to Cardno ERI and Ecology that the timeline for receipt of this assessment data is critical to enable him to meet a deadline to refinance by the end of October. An e-mail from Mr. Pak's consultant to Ecology is attached, noting this (Attachment 5). As part of a good-faith effort to obtain the data as quickly as practicable, Cardno ERI requests that Ecology expedite the review of this request.

September 30, 2011
Cardno ERI 31108.14.NM.L13 Former Exxon Station 73383, Kent, Washington

2



Shaping the Future

Cardno ERI and EMES greatly appreciate your cooperation in this matter. Please contact Mr. Benjamin T. Kortlever, Cardno ERI Project Manager for this site, at 206 575 7558, or Mr. Edward Yuen, EMES Project Manager, at 310 212 2972, with any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ben Kortlever'.

Benjamin T. Kortlever
Project Manager
for Cardno ERI
Direct Line 206 575 7558
Email: benjamin.kortlever@cardno.com

A handwritten signature in cursive script, appearing to read 'John H. McCorkle'.

John H. McCorkle
Program Manager
for Cardno ERI
Direct Line 206 575 6427
Email: john.mccorkle@cardno.com

ENCLOSURES

- Attachment 1 Declaration of Restrictive Covenant, dated April 27, 2005
- Attachment 2 Ecology's *No Further Action Determination* letter, dated June 27, 2005
- Attachment 3 Ecology's *Further Action* letter, dated February 17, 2010
- Attachment 4 Cardno ERI's *Work Plan to Conduct Subsurface Assessment*, dated September 30, 2011
- Attachment 5 Email from Associated Environmental Group, LLC to Ecology, dated September 21, 2011

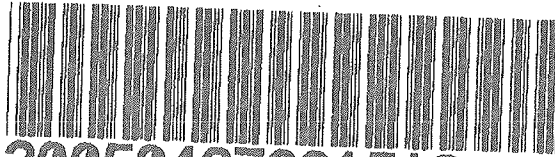
cc: One5 Investments, Site Owner (*electronic copy*)
Mr. Edward Yuen, ExxonMobil Environmental Services (*electronic copy*)
Ms. Yen-Vy Van, Associated Environmental Group, LLC (*electronic copy*)

ATTACHMENT 1

**DECLARATION OF RESTRICTIVE COVENANT,
DATED APRIL 27, 2005**

Return Address:

8315 S. 212th St
Kent WA 98032



20050427001518

PAK PAGE001 OF 008 COV 24.00
04/27/2005 14:39
KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transactions contained therein) (all areas applicable to your document must be filled in)

1. RESTRICTIVE COVENANT 2. _____
3. _____ 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

1. GARTIN, MARC S.
2. GARTIN, ROBIN T.

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. PAK, CHONG S.
2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

SEE ATTACHED RESTRICTIVE COVENANT
Section 12, Township 22 North, Range 4 East.
Additional legal is on page 2 of document.

Assessor's Property Tax Parcel/Account Number

122204-9006

☐ Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard 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 part of the text of the original document.

Signature of Requesting Party

RESTRICTIVE COVENANT

Former Exxon Station 7-3383,

CHONG S. PAK
Former Exxon Station
8315 South 212th Street
Kent, WA 98032

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f and g), and WAC173-340-440. Former Exxon Station, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

The Legal Description is as follows:

THE NORTH 198 FEET OF THE EAST 256 75 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 750958, AND EXCEPT THE WEST 12 FEET OF THE EAST 42 FEET THEREOF CONVEYED TO THE CITY OF KENT FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 7207070578; AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KENT FOR ROAD PURPOSES BY DEEDS RECORDED UNDER RECORDING NUMBERS 8610220875 AND 9609030446, AND EXCEPT THAT PORTION LYING WITHIN SOUTH 212TH STREET,

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH 198.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, WHICH LIES ON THE WEST MARGIN OF EAST VALLEY HIGHWAY (84TH AVENUE SOUTH) AS ESTABLISHED BY CONVEYANCE RECORDED UNDER RECORDING NUMBER 8610221175; THENCE NORTH 28°20'11" WEST ALONG SAID SOUTH LINE 213.08 FEET TO THE WEST LINE OF THE EAST 256 75 FEET OF SAID SUBDIVISION, THENCE NORTH 1°13'41" EAST ALONG SAID WEST LINE 142.06 FEET TO THE SOUTH MARGIN OF SOUTH 212TH STREET, THENCE SOUTH 89°00'58" EAST ALONG SAID MARGIN 184.98 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, ON SAID MARGIN, HAVING A RADIUS POINT WHICH BEARS SOUTH 36°34'33" WEST A DISTANCE OF 51.00 FEET, THENCE ALONG SAID CURVE, AS ESTABLISHED PER RECORDING NUMBER 8610221175, THROUGH A CENTRAL ANGLE OF 57°44'03" AN ARC LENGTH OF 51.39 FEET, THENCE SOUTH 2°35'01" EAST ALONG THE WEST MARGIN OF EAST VALLEY HIGHWAY (84TH AVENUE SOUTH) A DISTANCE OF 100.35 FEET TO THE POINT OF BEGINNING,

EXCEPT ANY PORTION OF THE PROPERTY USED FOR PUBLIC RIGHT OF WAY

RESTRICTIVE COVENANT

Former Exxon Station 7-3383,

CHONG S. PARK
~~Former Exxon Station~~
8315 South 212th Street
Kent, WA 98032

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440. Former Exxon Station, 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, which are on file at Ecology's Northwest Regional Office:

1. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, May 10, 2002.
2. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, November 5, 2001.
3. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, December 7, 1999.
4. Cover letter for monitoring report dated, March 23, 1999.
5. Lust Cleanup Report Review, August 19, 1999.
6. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, September 21, 1998.
7. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, March 4, 1998.
8. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, December 16, 1997.
9. Cover Letter for monitoring report dated September 3, 1996.
10. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, August 29, 1996.
11. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, April 8, 1996.
12. File for Exxon Station 7-3383 8315 So. 212th Street, October 10, 1995 (Comments on the determination of non significance for constructing the 212th Street Chevron Station).
13. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, February 21, 1995.
14. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, October 24, 1995.
15. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, January 9, 1995.

16. Results of Subsurface Soil Investigation and SVE Pilot Tests, Former Exxon Station RS7-3383, Kent, Washington, September 13, 1994.
17. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, August 22 1994.
18. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, February 23, 1994.
19. Environmental Assessment Exxon Service Station No. 73383, 8315 South 212th Street, Kent, Washington, November, 1992.
20. Letter report on Groundwater Monitoring Former Exxon RAS 7-3383/8315 South 212th Street, Kent, Washington, January 20, 1992.
21. Letter report on Groundwater Monitoring, Exxon Location #7-3383

This Restrictive Covenant is required because the Remedial Action resulted in leaving residual concentrations of lead in the soil that exceed the MTCA Method A soil cleanup levels established in WAC 173-340-745.

The undersigned, Former Exxon Station, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington that is subject to this Restrictive Covenant. The Property is legally described as follows:

THE NORTH 198 FEET OF THE EAST 256 75 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 750958, AND EXCEPT THE WEST 12 FEET OF THE EAST 42 FEET THEREOF CONVEYED TO THE CITY OF KENT FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 7207070578; AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KENT FOR ROAD PURPOSES BY DEEDS RECORDED UNDER RECORDING NUMBERS 8610220075 AND 9609030446, AND EXCEPT THAT PORTION LYING WITHIN SOUTH 212TH STREET,

ALL OF THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH 198.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, WHICH LIES ON THE WEST MARGIN OF EAST VALLEY HIGHWAY (84TH AVENUE SOUTH) AS ESTABLISHED BY CONVEYANCE RECORDED UNDER RECORDING NUMBER 8610221175; THENCE NORTH 88°20'11" WEST ALONG SAID SOUTH LINE 213.08 FEET TO THE WEST LINE OF THE EAST 256 75 FEET OF SAID SUBDIVISION; THENCE NORTH 1°13'41" EAST ALONG SAID WEST LINE 142.06 FEET TO THE SOUTH MARGIN OF SOUTH 212TH STREET; THENCE SOUTH 89°00'58" EAST ALONG SAID MARGIN 104.98 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, ON SAID MARGIN, HAVING A RADIUS POINT WHICH BEARS SOUTH 36°34'33" WEST A DISTANCE OF 51.00 FEET; THENCE ALONG SAID CURVE, AS ESTABLISHED PER RECORDING NUMBER 8610221175, THROUGH A CENTRAL ANGLE OF 57°44'03" AN ARC LENGTH OF 51.39 FEET; THENCE SOUTH 2°35'01" EAST ALONG THE WEST MARGIN OF EAST VALLEY HIGHWAY (84TH AVENUE SOUTH) A DISTANCE OF 100.35 FEET TO THE POINT OF BEGINNING,

EXCEPT ANY PORTION OF THE PROPERTY USED FOR PUBLIC RIGHT OF WAY

Former Exxon Station 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. The Property contains residual concentrations of Total Petroleum Hydrocarbons as Gasoline in the soil that exceed the respective MTCA Method A soil cleanup level of 100mg/kg. The Total Petroleum Hydrocarbons as Gasoline in soil occurs at sample locations Nos. B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-13, SB-1, SB-2A, SB-3A, and SB-5 as shown in Figure 1 (enclosed). The property also contains Xylenes in the soil that exceed the respective MTCA Method A soil cleanup level of 9 mg/kg. The Xylenes in soil occur at locations SB-1, SB-3A and SB-5 as shown in Figure 1. (For B series, See Figure 3 in Results of Subsurface soil Investigation and SVE Pilot Test, Former Exxon Station RS7-3383, Kent, WA, September 13, 1994.)

The Owner shall not alter, modify or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of the residual lead contaminated soil that was contained on site, or create a new exposure pathway without prior written approval from Ecology.

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

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. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for maintenance of the Remedial Action. The Owner conveying any interest in the property shall notify Ecology of the name, mailing address and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

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.

Former Exxon Station: (Chong S. Pak)

By

DATE

4/27/05

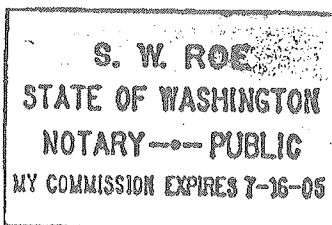
STATE OF WASHINGTON)

COUNTY OF KING)

On this 27th day of April, 2005, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared CHONG S. PAK

, to me known to be the person who signed as CHONG S. PAK of The Secure Enterprise L.L.C., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acted as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

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



Print Name: S. W. ROE

Notary Public in and for the State of Washington,

Residing at

My commission expires:

SENO WOLLEY WA

JULY 16, 2005

ATTACHMENT 2

**ECOLOGY's *NO FURTHER ACTION DETERMINATION* LETTER,
DATED JUNE 27, 2005**