



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

November 15, 2006

Mr. Gary & Marlo Frank  
Nasty Jacks Antiques  
103 East Morris  
La Connor, WA 98257

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

- Name: Nasty Jacks Antiques
- Address: 103 East Morris
- Facility/Site No.: 2668
- VCP No.: NW1587

Dear Mr. & Mrs. Frank:

Thank you for submitting your independent remedial action report for the Nasty Jacks Antiques 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.

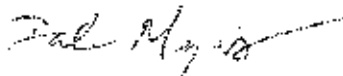
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Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered 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 (VCP). If you have any questions regarding this opinion, please contact me at 425-649-4446

Sincerely



Dale R. Myers  
Toxics Cleanup Program

DRM:mr

Enclosures: 1

Gary and Marlo Frank  
P.O. Box 251  
103 East Morris  
La Connor Washington 98257

#### RESTRICTIVE COVENANT

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

Legal Description: *Lot 4, Block 3, Excluding North 20' of lot.*

Tax Parcel ID #: *P74120*

#### RESTRICTIVE COVENANT GARY AND MARLO FRANK, AND NASTY JACKS ANTIQUES

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

1. Parametrix 2006, *Voluntary Cleanup Program: Remedial Investigation/Feasibility Study Report and Draft Cleanup Action Plan Former Outdoor Wipe and Wash - Down Area*. Prepared for Nasty Jacks Antiques, La Connor, Washington., July 2006



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maintaining the integrity of the cap, it should not be interpreted as precluding a future use (e.g. redevelopment or new construction) as long as future use activity complies with Section 6.

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 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



SLOUGH

9-24-04 becomes landing

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MORRIS

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SECOND

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8
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