



Periodic Review Eagle Harbor Construction

**3801 7th Avenue South, Seattle, Washington
Facility Site ID: 75219382, Cleanup Site ID: 4621**

Toxics Cleanup Program, Northwest Region

Washington State Department of Ecology
Shoreline, Washington

December 2025

Document Information

This document is available on the Department of Ecology's [Eagle Harbor Construction cleanup site page](#).¹

Related Information

- Facility Site ID: 75219382
- Cleanup Site ID: 4621

Contact Information

Toxics Cleanup Program

Northwest Region Office
15700 Dayton Ave. N.
Shoreline, WA 98133

Tamara Welty, LHG, Periodic Reviewer
Email: tamara.welty@ecy.wa.gov
Phone: 425-256-1449

Clifford Nale, LG
Email: cliff.nale@ecy.wa.gov
Phone: 425-725-0438

Website: [Washington State Department of Ecology](#)²

ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact the Ecology ADA Coordinator by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit [Ecology's website](#)³ for more information.

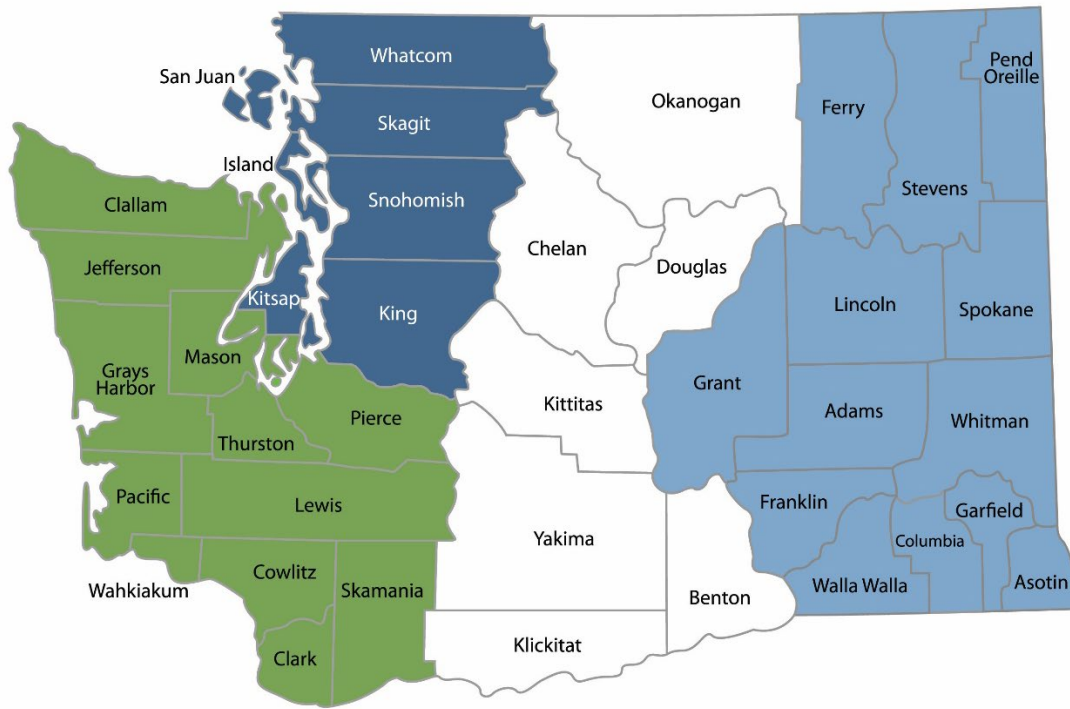
¹ <https://apps.ecology.wa.gov/cleanupsearch/site/4621>

² <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup>

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

Department of Ecology's Regional Offices

Map of Counties Served



| | | | |
|-----------------------------------------|-----------------------------------------|---------------------------------------|---------------------------------------|
| Southwest Region 360-407-6300 | Northwest Region 206-594-0000 | Central Region 509-575-2490 | Eastern Region 509-329-3400 |
|-----------------------------------------|-----------------------------------------|---------------------------------------|---------------------------------------|

| Region | Counties served | Mailing Address | Phone |
|---------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------|
| Southwest | Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum | PO Box 47775 Olympia, WA 98504 | 360-407-6300 |
| Northwest | Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom | PO Box 330316 Shoreline, WA 98133 | 206-594-0000 |
| Central | Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima | 1250 W Alder St Union Gap, WA 98903 | 509-575-2490 |
| Eastern | Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman | 4601 N Monroe Spokane, WA 99205 | 509-329-3400 |
| Headquarters | Across Washington | PO Box 46700 Olympia, WA 98504 | 360-407-6000 |

Table of Contents

| | |
|------------------------------------------------------------------------------------------------------|-----------|
| Introduction..... | 1 |
| Summary of Site Conditions..... | 2 |
| Site description and history | 2 |
| West adjacent property | 2 |
| Remedial actions..... | 3 |
| Cleanup standards | 3 |
| Restrictive Covenant | 4 |
| NFA Determination | 5 |
| Periodic Review | 5 |
| Effectiveness of completed cleanup actions | 5 |
| New scientific information for individual hazardous substances or mixtures present at the Site | 6 |
| New applicable state and federal laws for hazardous substances present at the Site..... | 6 |
| Current and projected Site and resource uses | 7 |
| Availability and practicability of more permanent remedies | 7 |
| Availability of improved analytical techniques to evaluate compliance with cleanup levels..... | 7 |
| Conclusions..... | 8 |
| Next review | 8 |
| References..... | 9 |
| Appendix A. Vicinity Map with Current Parcels..... | 10 |
| Appendix B. Historical Site Plan | 11 |
| Appendix C. Photo Log..... | 12 |
| Appendix D. Restrictive Covenant..... | 14 |

Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health and the environment are being protected at the Eagle Harbor Construction cleanup site (Site), also known as the Jackson Property. Site cleanup was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the third periodic review conducted for this Site. Ecology completed periodic reviews in 2009 and 2015.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). Residual concentrations of petroleum hydrocarbons that exceeded MTCA cleanup levels remain in soil on the property. The MTCA cleanup levels for soil and groundwater are established under [WAC 173-340-740](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740)⁴ and [WAC 173-340-720](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720),⁵ respectively.

Ecology determined institutional controls in the form of a Restrictive Covenant would be required as part of the cleanup action for the Site. [WAC 173-340-420\(2\)](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420(2))⁶ requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because Ecology issued a No Further Action (NFA) opinion, and institutional controls were required as part of the cleanup action.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (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 or mixtures present at the site;
- c) New applicable state and federal laws for hazardous substances present at the site;
- d) Current and projected site and resource uses;
- e) The availability and practicability of more permanent remedies; and,
- f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720>

⁶ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-420>

Summary of Site Conditions

Site description and history

The Site is developed with an office/warehouse building on approximately 0.71 acres of land. It is currently occupied by TEC Equipment Leasing. The Site is addressed 3801 7th Avenue South, Seattle, Washington and the King County tax parcel number is 7886100290 (the Property).

The Site and vicinity were a tideland that was filled in the early 1900s. Prior to 1973 when the existing building was constructed, the Site was undeveloped. A landfill may have operated north of the Site in the 1940s, between the Site and South Spokane Street. Reportedly, 5,000 cubic yards of fill was imported to the Site in the early 1970s. The origin of the fill material is unknown. The Site was occupied by a frozen food transporter from 1973 until the early 1990s, then was occupied by Coastal Tank Cleaning from the early 1990s to 1999. Eagle Harbor Construction was also a past occupant of the Site.

Truck maintenance and washing was performed by Coastal Tank Cleaning. Coastal Tank Cleaning reportedly did not use chlorinated solvents as part of washing activities. Washing activities of prior tenants are unknown. Some catch basins on the Site were not connected to the city's sewer system, and they reportedly discharged to an area near the southeast corner of the Site. Sanitary wastewater was discharged to an on-site septic system prior to the 1990s, when the Site was connected to the city's sewer system. The on-site septic system reportedly only received wastewater from the restrooms.

A petroleum pipeline operated by Olympic Pipeline Company has an easement that runs east/west beneath the north end of the Site.

A vicinity map showing the current parcel boundaries is in Appendix A, and a historical Site plan is in Appendix B.

West adjacent property

Historical records originally combined the subject Site (the Site is described in the prior section of this periodic review) and the west adjacent property since they were historically a single parcel. In 1999, the former parcel was split into the two existing parcels so the west adjacent property could be sold to a different owner.

The subject Site retained the 3801 7th Avenue South address and was referred to in historical records as the "east parcel" (King County tax parcel number 7886100290). The west adjacent property was designated 611 South Charlestown Street and was referred to in historical records as the "west parcel" (King County tax parcel number 7666203975).

Contamination on the west parcel was from a different source than the contamination on the east parcel (subject Site). The west parcel has a separate NFA determination; it was issued by Ecology on June 15, 1999, and then superseded/replaced on June 29, 1999 to clarify that the NFA was regarding the west parcel only. The west parcel does not have a restrictive covenant

since it was cleaned up to below MTCA Method A cleanup levels; therefore periodic reviews are not required.

The 2009 and 2015 periodic reviews inadvertently included both the Site and west adjacent property in the Site description and cleanup history. This was corrected in this 2025 periodic review, which includes the east parcel only (the subject Site). Periodic reviews are required for the east parcel since it has a restrictive covenant (further discussed below).

Remedial actions

During a 1997 Phase I Environmental Site Assessment (ESA), ADaPT Engineering, Inc. found several recognized environmental conditions associated with the Site. Equipoise Corporation was hired to conduct a Phase II Preliminary Subsurface Investigation (Phase II) in 1997 to investigate the areas of concern identified in the Phase I ESA.

Three underground storage tanks (USTs) were removed from the Site in 1990. The USTs contained gasoline, motor oil, and used oil. The USTs were located just north of the existing building (see figure in Appendix B).

Petroleum releases were discovered in the UST excavation (referred to as “Excavation B” in historical documents, since the documents discussed both the Site and the west adjacent property). Contaminated soil was excavated and disposed of at Cedar Hills landfill. Some petroleum contaminated soil was left in place beneath the building to avoid potential structural impacts to the building.

Analytical results from the UST excavation indicate that concentrations of total petroleum hydrocarbons were up to 7,700 parts per million (ppm), which exceeds the MTCA Method A cleanup level. Due to inconsistencies in the historical documents, exact locations of soil samples within the UST excavation are unknown, so it is possible that contaminated soil is also located outside of the building footprint beneath the parking lot. Samples were not collected from the bottom of the excavation.

Groundwater was encountered during the investigations at approximately 14 feet bgs. According to the consultant, there was no risk to groundwater quality since the soil contamination (less than 10 feet bgs) was separated from groundwater. Groundwater samples were not collected or analyzed during any of the investigations.

Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site.

[WAC 173-340-704](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704)⁷ states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical

⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be routine, few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance identified for the Site.

The Site did not meet MTCA Method A cleanup levels for unrestricted land use, hence the need for containment and a restrictive covenant.

Restrictive Covenant

A Restrictive Covenant was recorded for King County tax parcel number 7886100290 on September 9, 1999. It was then amended and replaced on October 13, 1999, and amended and replaced a second time on November 5, 1999. The purpose of the amendments appeared to be to remove Sections 9 and 10 from the two older Restrictive Covenants.

The final version of the Restrictive Covenant, dated November 5, 1999 (King County recording number 19991105000546), which includes the recording numbers for the earlier covenants, imposed the following limitations:

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the north central portion of the shop section of the warehouse building. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or creates 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 the contaminated soil that remains on the Property as part of the Remedial Action, or creates 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 the 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.

The Restrictive Covenant is available as Appendix D.

NFA Determination

A No Further Action (NFA) determination was issued by Ecology on June 15, 1999 for the Site and the west adjacent property (since they were originally part of the same parcel and the historical records were combined, as previously discussed). It was superseded/replaced on June 29, 1999 to clarify that the NFA was regarding the west adjacent property only.

A separate NFA determination was issued by Ecology on November 10, 1999 for the subject Site. The letter states the NFA is for the east parcel (the subject Site) on the first page of the letter, but notes the west parcel on the second page. The reference to the west parcel on the second page was likely an error based on the October 22, 1999 VCP application and letter request to Ecology (which states the request is for the east parcel only).

Ecology's November 10, 1999 NFA letter for the subject Site (east parcel) indicates that the Restrictive Covenant, dated November 5, 1999, is a condition of the NFA determination.

Periodic Review

Effectiveness of completed cleanup actions

Ecology conducted a Site visit on August 16, 2024. It is currently occupied by TEC Equipment Leasing, a truck and trailer leasing business. A photo log is in Appendix C.

Aboveground storage tanks without secondary containment were observed at the Site (see Photos 3 and 4 in Appendix C).

Direct contact

The cleanup actions were intended to eliminate exposure to soil contaminated with petroleum hydrocarbons at the Site. Exposure pathways to contaminated soils by ingestion and direct contact were reduced by historical soil excavations and the existing surface cover/cap. The surface cover/cap appears to be in satisfactory condition, and no repair, maintenance, or contingency actions are required at this time.

Protection of groundwater

Soils with petroleum hydrocarbons at concentrations exceeding MTCA Method A cleanup levels remain at the Site. Groundwater was not reported or suspected to be impacted during the 1990s investigations, but no samples were collected or analyzed to confirm this. However, most of the contaminated soil source material was removed.

Institutional controls

Institutional controls in the form of a Restrictive Covenant were implemented as part of the cleanup of the Site on November 5, 1999. The Restrictive Covenant remains active and discoverable through the King County Recorder's Office. Ecology found no evidence a new instrument has been recorded that limits the effectiveness or applicability of the Restrictive Covenant. The Restrictive Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup action and prohibits any use of the property that is inconsistent with the Restrictive Covenant, unless approved by Ecology in advance. The Restrictive Covenant ensures the long-term integrity of the cleanup action will be protected.

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

There is no new relevant scientific information for the hazardous substances remaining at the Site.

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

Since completion of the cleanup actions, Ecology has issued guidance for increasing the resiliency of cleanups to climate change impacts (*Sustainable Remediation: Climate Change Resiliency and Green Remediation*). Since a climate vulnerability assessment has not previously been conducted for the Site, the TCP Maps Climate Change analytical tool was used to assess potential vulnerabilities, per the guidance.

The TCP Maps Climate Change analytical tool indicates that the Site vicinity could be inundated at high tide during a 100-year storm event, which may be at increased risk due to sea level rise. The TCP analytical tool indicates that portions of the Site may be at greater risk if sea level were to rise approximately 0 to 1 foot.

To evaluate the likelihood of that increment of sea level rise, the UW Climate Impacts Group tool was referenced. The UW tool indicates that there is an approximately 1% chance of a 1-foot rise in sea level by the year 2040, a 17% to 23% chance by 2050, and a 48% to 60% chance by 2060.

A climate change vulnerability assessment for the Site may be warranted in the future.

Current and projected Site and resource uses

The Site is used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the cleanup action.

Availability and practicability of more permanent remedies

The selected cleanup action included containment of hazardous substances, and it appears to be protective of human health and the environment at this time. More permanent remedies may be available, but it is unknown whether they are practicable without a feasibility study (FS) and disproportionate cost analysis (DCA).

Availability of improved analytical techniques to evaluate compliance with cleanup levels

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

Conclusions

- Based on available information, the cleanup actions completed at the Site appear to be protective of human health and the environment.
- The Restrictive Covenant is in place and appears to be effective in protecting human health and the environment from exposure to hazardous substances at the Site, and protecting the integrity of the cleanup action.
- Contaminated soil remains in the vicinity of the former USTs at the Site. Soil cleanup levels have not been met; however, the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment system is ensured with the Restrictive Covenant and periodic reviews, and the requirements for containment technologies have been met (i.e., surface cover/cap).
- Aboveground storage tanks without secondary containment were observed at the Site. Secondary containment is recommended to prevent future releases.

Based on this periodic review, Ecology has determined the requirements of the Restrictive Covenant are being followed. No additional cleanup actions are required by the property owner at this time. The property owner is responsible for continuing to inspect the Site to ensure the integrity of the cleanup action is maintained, such as inspecting and maintaining the surface cover/cap.

Next review

Ecology will schedule the next review for the Site five years from the date of this periodic review. If additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years after those activities are completed.

References

Adapt Engineering, Inc., Phase 1 Environmental Site Assessment, 3801 7th Avenue South, October 16, 1997.

Equipoise Corporation, Preliminary Subsurface Investigation at 3801 7th Avenue South, Seattle, WA, January 15, 1998.

Equipoise Corporation, Request for Voluntary Cleanup Program Review of Completed Site Investigation and Remediation, 3801 7th Avenue South, Seattle, WA, November 12, 1998.

Equipoise Corporation, Modification of VCP Request for Jack Jackson Property, May 26, 1999.

Lawler and Burroughs, P.C., Request for NFA Letter, Jackson Property 3801 7th Avenue South, Seattle, WA. October 22, 1999.

Restrictive Covenant. September 9, 1999.

Amended & Corrected Restrictive Covenant. October 13, 1999.

Second Amended & Corrected Restrictive Covenant. November 5, 1999.

Ecology, November 10, 1999, No Further Action Determination Letter.

Ecology, June 29, 1999, No Further Action Determination Letter.

Ecology, 2009, Periodic Review.

Ecology, 2015, Periodic Review.

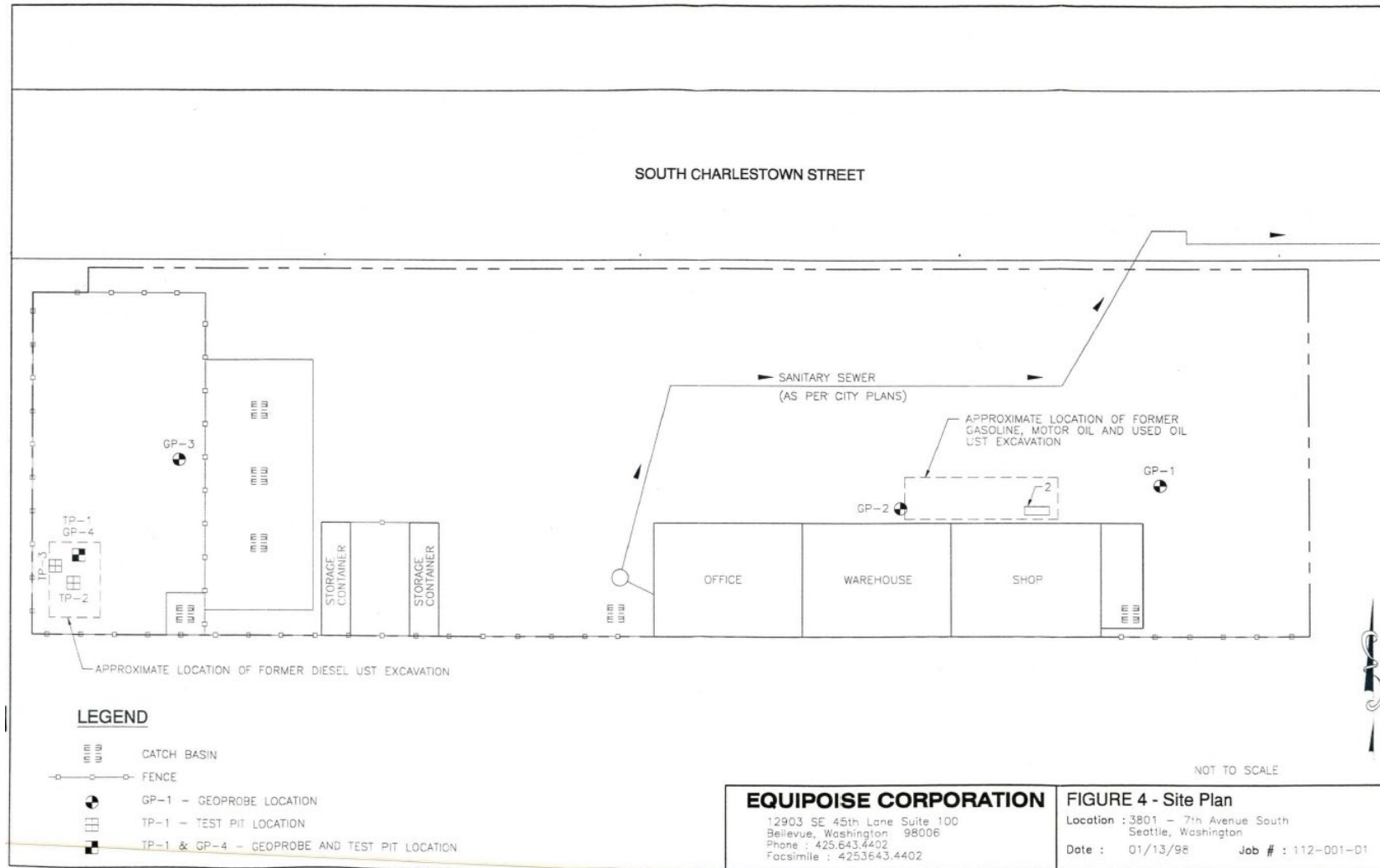
Ecology, August 16, 2024, Site Visit.

Ecology, January 2023, Sustainable Remediation: Climate Change Resiliency and Green Remediation.

Appendix A. Vicinity Map with Current Parcels



Appendix B. Historical Site Plan



Note: The subject Site is the eastern half of the property that is shown in this historical figure. The remaining contamination is near the former gasoline, motor oil, and used oil USTs. The west adjacent property is not included in this periodic review.

Appendix C. Photo Log

Photo 1: TEC Equipment building – from northwest, looking southeast.



Photo 2: TEC Equipment storage yard – from the west, looking east.



Photo 3: North side of TEC building and former UST excavation area.



Photo 4: Former UST excavation area and area with contaminated soil beneath the building. ASTs without secondary containment observed.



Appendix D. Restrictive Covenant



When Recorded Return To:

Brian E. Lawler, Esq.
LAWLER & BURROUGHS, P.C.
999 Third Ave, Suite 4750
Seattle, WA 98104

**SECOND AMENDED & CORRECTED RESTRICTIVE COVENANT
RE: REMEDIAL ACTION**

GRANTOR: Jackson, Jack A. and Jackson, Janet C., husband and wife

GRANTEE: The Public

LEGAL DESCRIP. (Abbrev.) Lts. 4-9, Blk. 7, South Seattle Add. Vol 1/35; Lts. 7-9, Blk. 262, Seattle Tidelands. Complete legal on Attachment A.

TAX PARCEL NO. 788610-0290-01

This Second Amended and Corrected Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Jack Jackson and Janet Jackson, their successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology"). This document replaces the Restrictive Covenant re: Remedial Action previously filed at King County Auditor's File No. 19990903000006 and the First Amended and Corrected Declaration of Restrictive Covenant Re: Remedial Action previously filed at King County Auditor's File No. 1999101301018.

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:

1. Phase I Environmental Site Assessment, 3801 7th Avenue South, AdaPT Engineering, inc., October 16, 1997;
2. Preliminary Subsurface Investigation at 3801 7th Avenue South, Seattle, WA, Equipoise Corporation, January 15, 1998;
3. Request for Voluntary Cleanup program review of Completed Site Investigation and Remediation, 3801 7th Avenue South, Seattle, WA. Equipoise Corporation, November 12, 1998.
4. Request for Voluntary Cleanup program review of Completed Site Investigation and Remediation, 3801 7th Avenue South, Seattle, WA. Lawler & Burroughs, P.C. October 22, 1999.

These documents are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Petroleum Hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Jack Jackson and Janet Jackson (hereinafter "the Jacksons"), are the fee owners 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 in Attachment A of this Restrictive Covenant and made a part hereof by reference.

The Jacksons 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. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the north central portion of the shop section of the warehouse building. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or creates 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 the contaminated soil that remains on the Property as part of the Remedial Action, or creates 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.

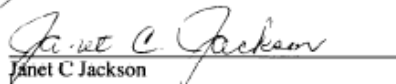
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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 the 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.


Jack A. Jackson

2 Nov 99
Date


Janet C. Jackson

Nov 2, 1999
Date



STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this day personally appeared before me **Jack Jackson and Janet Jackson**, to me known to be the Property Owners that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed, for the uses and purposes mentioned, and on oath stated that they were duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 20th day of NOVEMBER, 1999.

Brian E. Lawler

BRIAN E. LAWLER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
SEPTEMBER 5, 2002

Print: BRIAN E. LAWLER
Notary Public in and for the State of Washington,
residing at PRINCE OF ISLAND, WA
My Commission Expires: 9-5-2002

Unofficial Copy

3



LAWLER & BURRO COV

10.00

1999110500546
PAGE 003 OF 003
11/05/1999 10:26
KING COUNTY, WA