



FILE# 7806001  
 YAKIMA COUNTY, WA  
 06/06/2013 10:08:20AM  
 COVENANT  
 PAGES: 3  
 DEPARTMENT OF ECOLOGY

After Recording Return to:

Toxics Cleanup Program  
 Department of Ecology  
 15 W. Yakima Avenue, Suite 200  
 Yakima, WA 98902

Recording Fee: 74.00

**Environmental Covenant**

**Grantor:** <sup>was</sup> Gregory A. and Sonia Stoffers  
**Grantee:** State of Washington, Department of Ecology  
**Legal:** YAKIMA: BLK 252 LOT 3  
**Tax Parcel Nos.:** 18132441442  
**Cross Reference:**

Grantor, <sup>SSQ</sup> ~~Gregory A.~~ and Sonia Stoffers, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant ( hereafter "Covenant" ) made this 18 day of April 2013 2013 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Gregory A. and Sonia Stoffers, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") at the property is the subject of this Covenant. The Remedial Action at the property is described in the following documents:

- *Groundwater Remediation System Draft Interim Action Plan, Former Frank Wear Cleaners Site, Yakima, Washington, March 2013.*
- *Soil Vapor Extraction System Interim Action Plan, Former Frank Wear Cleaners Site, Yakima, Washington, March 2012.*

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

This Covenant is required because the concentrations of tetrachloroethylene and trichloroethylene exceed the Model Toxics Control Act Method A and B Cleanup Levels for groundwater established under WAC 173-340-720, and tetrachloroethylene exceed the Model Toxics Control Act Method B Cleanup Levels for soil established under WAC 173-340-740.

The undersigned, Gregory A. and Sonia Stoffers, is the fee owner of real property (hereafter "Property") in the County of Yakima, State of Washington, that is subject to this Covenant. The Property is legally described NE1/4 SE1/4 24 T13N R18E, YAKIMA BLK 252 LOT 3 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.

1. No groundwater may be taken for any use from the Property.
2. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited on the Property include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

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 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 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, to determine compliance with this Covenant, 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 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.

<sup>880</sup>  
~~Gregory A~~ and Sonia Stoffers

Sonia Stoffers O'Neill

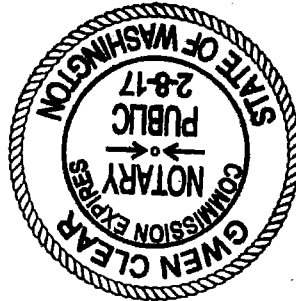
Dated: 4-18-13  
<sup>880</sup>  
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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Valerie Bound

Valerie Bound  
Section Manager, Toxics Cleanup Program, Central Regional Office

Dated: 4-9-13



STATE OF Washington  
COUNTY OF Yakima

On this 19 day of April, 2013 I certify that Sonia Stoffers O'Neill personally appeared before me, and acknowledged that he/she is the individual described herein and who executed the within and foregoing instrument and signed the same at his/her free and voluntary act and deed for the uses and purposes therein mentioned.

Gwen Clear  
Notary Public in and for the State of  
Washington, residing at Yakima.  
My appointment expires 2/8/2017.