



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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July 9, 2013

Terry Montoya, P.E.
SoundEarth Strategies, Inc.
2811 Fairview Avenue East, Suite 2000
Seattle, WA 98102

Re: No Further Action at the following Site:

- **Site Name:** Port Orchard Bulk Plant and Cardlock
- **Site Address:** 134 Bay Street West, Port Orchard, Washington
- **Facility/Site No.:** 26185147
- **VCP Project No.:** NW 1306

Dear Mr. Montoya:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Port Orchard Bulk Plant and Cardlock facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is dependent on the continued performance and effectiveness of the post-cleanup control specified below.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Gasoline, diesel, benzene, ethylbenzene, toluene, and xylenes into the soil and groundwater

Enclosure A includes diagrams of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Feasibility Study and Disproportionate Cost Analysis by SoundEarth Strategies and dated April 17, 2012
2. Addendum – Closure Report – Former Port Orchard Bulk Plant and Cardlock – 134 Bay Street West – Port Orchard, Washington by SoundEarth Strategies and dated May 3, 2011
3. Closure Report by Sound Environmental Strategies and dated October 4, 2010
4. Response to Ecology Opinion Letter on Cleanup Action – Port Orchard Bulk Plant and Cardlock – 134 Bay Street West – Port Orchard, Washington by Farallon Consulting and dated October 30, 2006
5. Cleanup Action Status Report – Port Orchard Bulk Plant and Cardlock – 134 Bay Street West – Port Orchard, Washington by Farallon Consulting and dated February 22, 2006
6. Cleanup Action Work Plan – Port Orchard Bulk Plant and Cardlock – 134 Bay Street West – Port Orchard, Washington by Farallon Consulting and dated September 22, 2004
7. Results of the Fourth Quarter 2003 Groundwater Sampling and Analysis Event – Port Orchard Bulk Plant and Cardlock – 134 Bay Street West - Port Orchard, Washington by Farallon Consulting and dated March 5, 2004
8. Port Orchard Treatment System Evaluation – 134 Bay Street – Port Orchard, Washington by CDM (Camp, Dresser, McKee - consultant) and dated October 25, 2002
9. Pacific Pride Site Assessment – Port Orchard, Washington by CDM (Camp, Dresser, McKee - consultant) and dated February 1, 2002
10. September 1997 Monitoring Well Installation, Soil Sampling and Analysis, and 3rd Quarter Groundwater Samples Analytical Results – Port Orchard Bulk Plant and

Cardlock – 134 Bay Street West – Port Orchard, Washington by Hart – Crowser and dated November 10, 1997

11. Volume I – Limited Phase I and Phase II Environmental Assessments – Five Petroleum Storage Sites – Kitsap Peninsula, Washington by Applied Geotechnology and dated April 6, 1994.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at 425 – 649 - 7190.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

In 1989, six groundwater monitoring wells were installed.

In 1994, nine borings and nine hand auger holes were made at the site. Seven of the nine borings were subsequently converted to monitoring wells. In addition, sediment samples and surface water samples were taken adjacent to the pier. The analytical results for soil samples showed that the soil was contaminated with hydrocarbons. Groundwater samples from two monitoring wells were contaminated with gasoline, diesel, benzene, ethylbenzene, toluene, and xylene. While sediment samples were contaminated with total petroleum hydrocarbons and polycyclic aromatic hydrocarbons, the report concluded that ~~the new marine water quality standards soon to be adopted would not require sediment remediation.~~

In 1997, four additional groundwater monitoring wells were installed. Soil samples from three of the monitoring wells had non-detectable concentrations of gasoline, benzene, ethylbenzene, toluene, and xylene. Soil samples from the fourth monitoring well had gasoline, benzene, and xylene concentrations above MTCA Method A standards. Fourteen groundwater samples were collected from the wells. Four of the groundwater

samples had concentrations of gasoline, diesel, benzene, ethylbenzene, toluene, and/or xylene above the MTCA Method A standard, the other ten groundwater samples were below the MTCA Method A standards for groundwater. Of the four groundwater samples with MTCA Method A exceedances, three samples had exceedances only for benzene or benzene and one other compound. The fourth sample (Well 6) had exceedances for gasoline, benzene, ethylbenzene, toluene, and xylene.

In January of 2002, twelve groundwater monitoring wells were sampled. Well 6 was not sampled as previous investigations had shown that it had significant contamination above MTCA Method A standards. All groundwater monitoring wells were below MTCA Method A standards for all contaminants except for two wells. One well (5.8 µg/l) was slightly above the Method A standard (5 µg/l) and the second well significantly exceeded the standard (28 µg/l). In June of 2002, eight borings, an air sparging well, and an additional groundwater monitoring well were installed at the site. Of the five soil samples analyzed in the laboratory, three had no exceedances of MTCA Method A standards, one sample was marginally above the standard for benzene and equaled the standard for gasoline, and the fifth was marginally above the standard for gasoline. Of the four groundwater samples analyzed, three had significant exceedances of the MTCA Method A standards for gasoline, benzene, ethylbenzene, toluene, and xylene.

In 2005, ten groundwater monitoring wells (MW-1, MW-3, MW-4, MW-5, MW-7, MW-11, MW-13, MW-14, MW-15, and MW-16) were sampled, each well between one and four times for a total of thirty-four groundwater samples. All groundwater samples had non-detectable concentrations of gasoline, diesel, benzene, ethylbenzene, toluene, and xylene except for seven samples – four wells below MTCA Method A standards - MW-4 (benzene, ethylbenzene, toluene, xylene), MW-13 (benzene), MW-15 (toluene, xylene), MW-16 (ethylbenzene) and one well, MW-16, above the MTCA Method A standard for benzene (three of four samples).

A single groundwater monitoring well, MW-16, was sampled twice in 2007, three times in 2008, and four times (quarterly) in 2009. While exceedances of one MTCA Method A groundwater standard (benzene) were observed in the first four samples, no exceedances of the MTCA Method A groundwater standard for benzene, or for gasoline, ethylbenzene, toluene, or xylene were found in the last five groundwater samples, with the last two samples from MW-16 having non-detectable concentrations of all five contaminants.

In 2011, two additional groundwater monitoring wells were installed, downgradient of monitoring well MW-16. One sample was collected from each of the two wells and analyzed for gasoline, benzene, ethylbenzene, toluene, and xylene. Gasoline

concentrations in both samples were below the MTCA Method A standard. Benzene, ethylbenzene, toluene, and xylene were non-detectable in both samples.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

Cleanup Levels:

The land use is designated for commercial use and the selected Method A standards used at this site for soil and groundwater are protective of human health and the environment:

Soil

Gasoline – 100 mg/kg

Diesel – 2,000 mg/kg

Benzene – 0.03 mg/kg

Ethylbenzene – 6 mg/kg

Toluene – 7 mg/kg

Xylenes – 9 mg/kg

Groundwater

Gasoline – 800 µg/l

Diesel – 500 µg/l

Benzene – 5 µg/l

Ethylbenzene – 700 µg/l

Toluene – 1,000 µg/l

Xylenes – 1,000 µg/l

A standard horizontal point of compliance, the property boundary, was used for soil contamination.

A standard vertical point of compliance, fifteen feet, for soils was established in the soils throughout the site from the ground surface to fifteen feet below the ground surface. Fifteen feet is protective for direct contact with the contaminated soil.

A standard vertical point of compliance, from the uppermost level of the saturated zone to the lowest depth that could potentially be affected, was used for groundwater contamination.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The total petroleum hydrocarbon-contaminated soil within the property was removed by excavation and transported off of the property to a licensed landfill.

The contaminated soil which could not be removed from the site by excavation, due to the presence of several utilities, was treated by in-place chemical injection and will be further controlled through a restrictive covenant placed on the property deed.

The selected remedy of excavation and in-place chemical treatment of the contaminated soil meets the minimum requirements for cleanup actions by providing a permanent solution to the extent practicable, an immediate restoration time frame, provides for confirmation monitoring, and protects human health and the environment. Excavation and in-place chemical treatment did not exacerbate conditions at the site nor preclude reasonable alternatives from being used at the site in a future remediation.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup control specified below.

In 1998, oxygen-releasing compound was injected on the down-gradient side of the site.

In 2004, eight above-ground storage tanks (20,000 to 47,000 gallons) and ten underground storage tanks (20,000 to 30,000 gallons except for four – three 2,000 gallons, one 550 gallons, and one 300 gallons) were removed from the site and recycled. Three of the underground storage tanks (all three 2,000 gallons each) had been closed in place in the 1970s. The two smallest tanks were closed in place at an unknown time in the past. Soil contaminated with gasoline, diesel, and/or benzene, ethylbenzene, toluene, and xylene above MTCA Method A levels (5,600 tons) was excavated from two separate excavations and taken off-site for disposal by a licensed recycler. Thirty-eight confirmational soil samples were collected from the first excavation. Thirty – three of the confirmational soil samples had no exceedances of the MTCA Method A standards for gasoline, diesel, or benzene, ethylbenzene, toluene, or xylene while one sample from the southern sidewall of the excavation had a small exceedance of the benzene standard. The area between the two excavations could not be excavated due to the presence of several utilities. Four confirmatory soil samples from the excavation sidewall adjoining this area had exceedances of MTCA Method A standards – two samples for benzene only, one sample for benzene and gasoline, and one sample for gasoline, diesel, benzene, toluene, and xylene. Fourteen confirmatory soil samples were collected from the second excavation. Twelve of the confirmational soil samples had no exceedances of the MTCA Method A standards. One sample exceeded the MTCA Method A standards for benzene and gasoline while the other sample exceeded the MTCA Method A standards for benzene and diesel. Both soil samples were taken from the excavation sidewall adjoining the inter-excavation area that could not be excavated. Eight groundwater monitoring wells were decommissioned along with two cathodic protection wells and a discovered artesian well.

In September of 2007, thirteen injection wells were installed by push-probe at locations where the 2004 cleanup action suggested that there was residual contamination. Monitoring well MW-16 was also used as an injection well. A total of one thousand and one hundred gallons of a mixture of sodium persulfate and hydrogen peroxide were injected into the soil. In October of 2007, three additional injection wells were installed by vector truck over a water line traversing the site. Five hundred gallons of the same mixture were injected into the soil. In September of 2008, three soil borings were made to obtain confirmatory soil samples. One soil sample was collected from each boring at either 4 – 5 feet or 9 – 10 feet below surface. Previous soil sample analyses had shown that contamination was found at depths less than ten feet below surface. Two of the three soil samples had no exceedances of MTCA Method A standards for gasoline, benzene, ethylbenzene, toluene, or xylene while the last sample, from a depth of three feet, exceeded MTCA Method A standards for gasoline and benzene.

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Control to protect workers and visitors from contact with the remaining soil with levels of gasoline, diesel, benzene, toluene, and xylene contamination greater than the MTCA Method A standards

To implement that control, an Environmental Covenant has been recorded on the following parcel of real property in Kitsap County:

- **4623-000-005-0004**

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B.**

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (NW 1306).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 360 – 407 - 7223 or e-mail at cm461@ecy.wa.gov.

Terry Montoya, P.E.

July 9, 2013

Page 10

Sincerely,



Christopher Maurer, P.E.

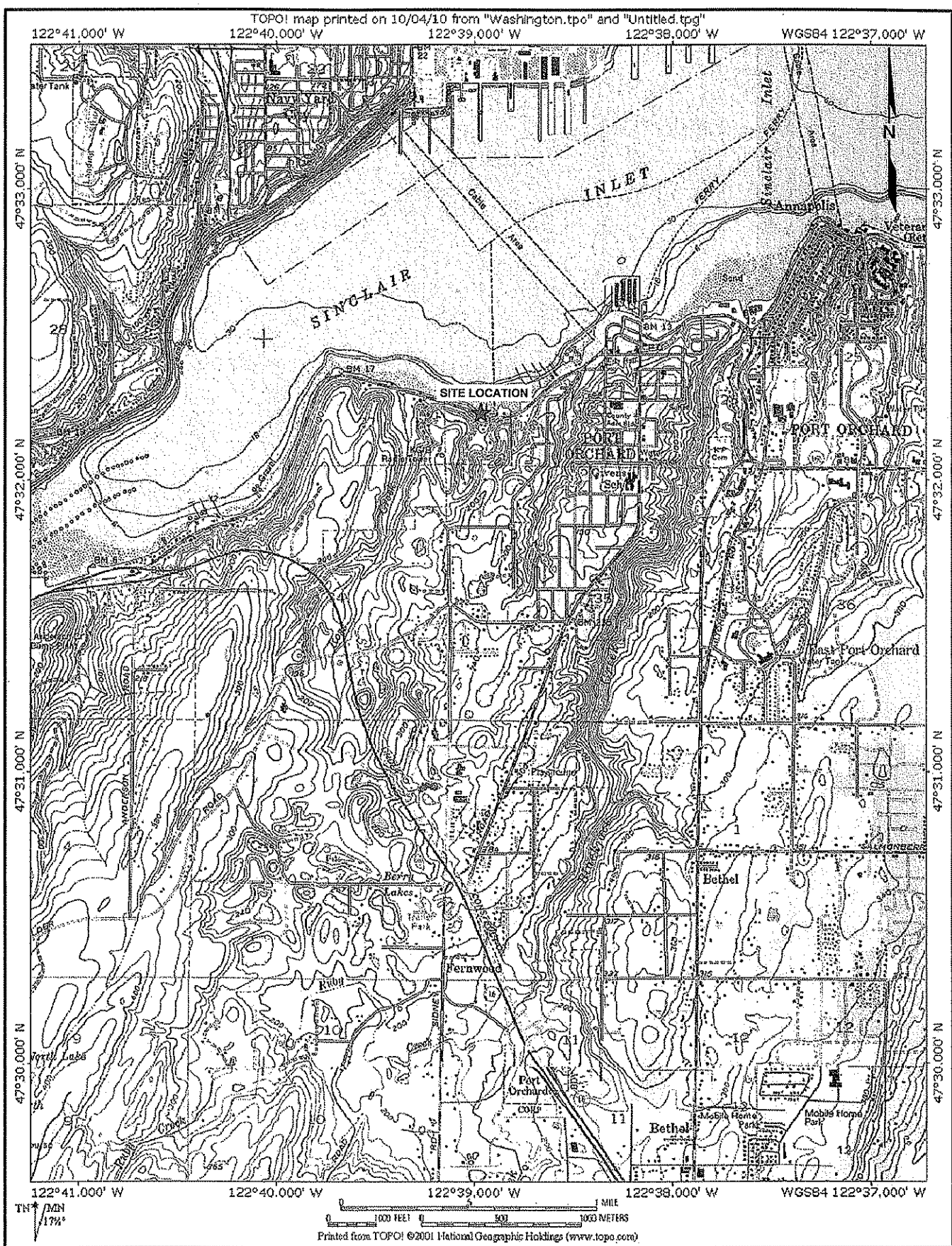
HQ - Toxics Cleanup Program

Enclosures (2): A – Description and Diagrams of the Site
 B – Environmental Covenant and Proof of Registration

cc: Roger Jensen, Nordic Properties (owner)
 Mark Dorsey, City of Port Orchard
 Dolores Mitchell, Ecology

Enclosure A

Diagrams of the Site



DATE:10/24/2011
 DRAWN BY:BLR
 CHECKED BY:TWM
 CAD FILE:0644-001-01_VIC

PROJECT NAME: FORMER PORT ORCHARD BULK PLANT AND CARDLOCK
 PROJECT NUMBER: 0644-001-01
 STREET ADDRESS: 134 BAY STREET WEST
 CITY, STATE: PORT ORCHARD, WASHINGTON

FIGURE 1
 PROPERTY LOCATION MAP

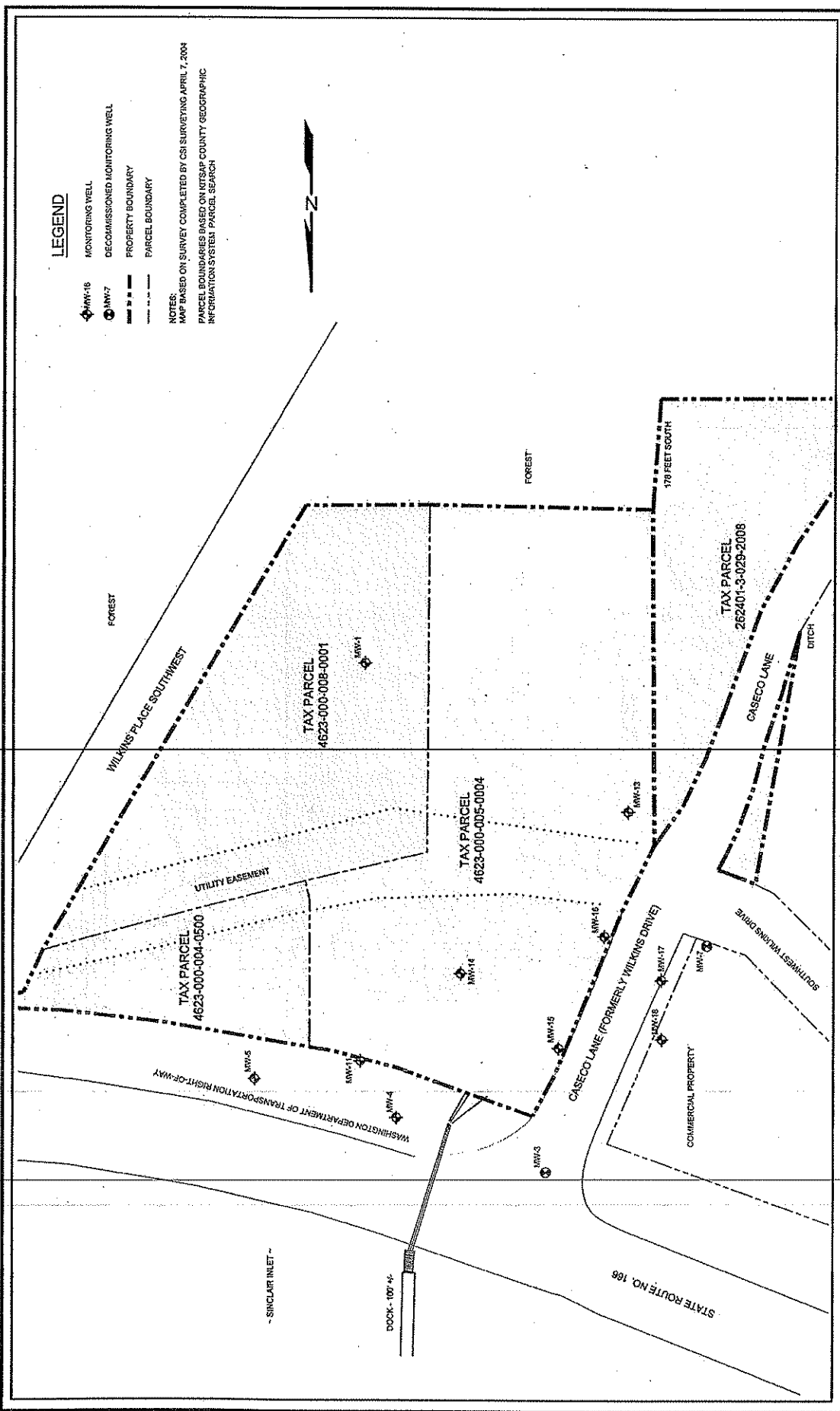
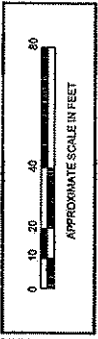
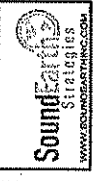


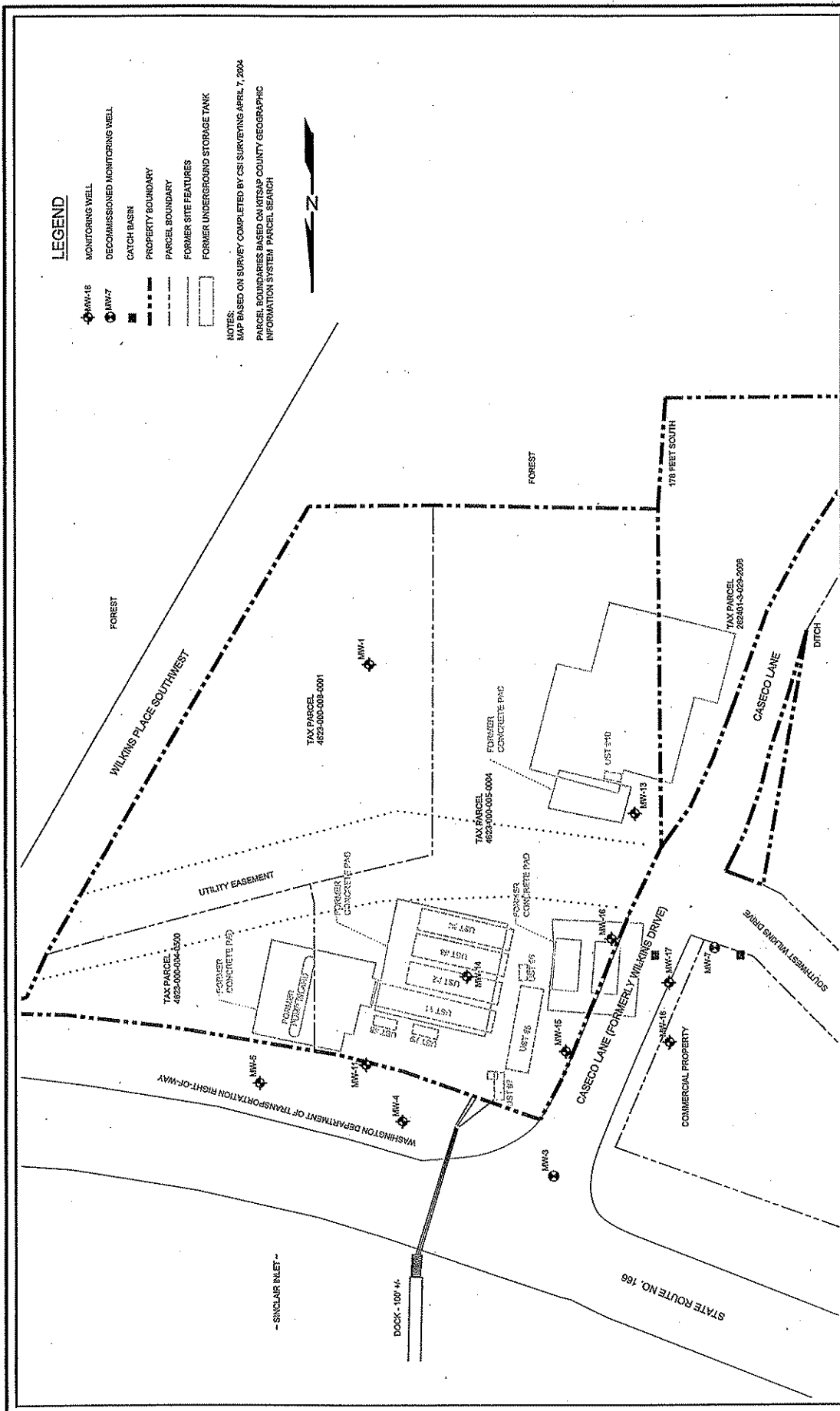
FIGURE 2
 TAX PARCEL LOCATIONS



PROJECT NAME: FORMER PORT ORCHARD SUBPLANT AND CHIMNEY
 PROJECT NUMBER: 0644-001-01
 STREET ADDRESS: 134 BAY STREET-WEST
 CITY, STATE: PORT ORCHARD, WASHINGTON

DATE: 10/18/11
 DRAWN BY: BLR
 CHECKED BY: JAC
 CAD FILE: 0644_2011_FS.SP





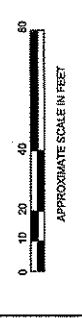
LEGEND

- MW-18 MONITORING WELL
- MW-7 DECOMMISSIONED MONITORING WELL
- CATCH BASIN
- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- FORMER SITE FEATURES
- FORMER UNDERGROUND STORAGE TANK

NOTES:
 MAP BASED ON SURVEY COMPLETED BY CSI SURVEYING APRIL 7, 2004
 PARCEL BOUNDARIES BASED ON KITSAP COUNTY GEOGRAPHIC INFORMATION SYSTEM PARCEL SEARCH



FIGURE 3
PROPERTY PLAN



REGION: _____
 PROJECT NAME: FORMER PORT ORCHARD BULK PLANT AND CAROLUX
 PROJECT NUMBER: 0844-001-01
 STREET ADDRESS: 134 BAY STREET WEST
 CITY, STATE: PORT ORCHARD, WASHINGTON

DATE: 10/18/11
 DRAWN BY: BLR
 CHECKED BY: JAC
 CAD FILE: 0844_2011FS_PP



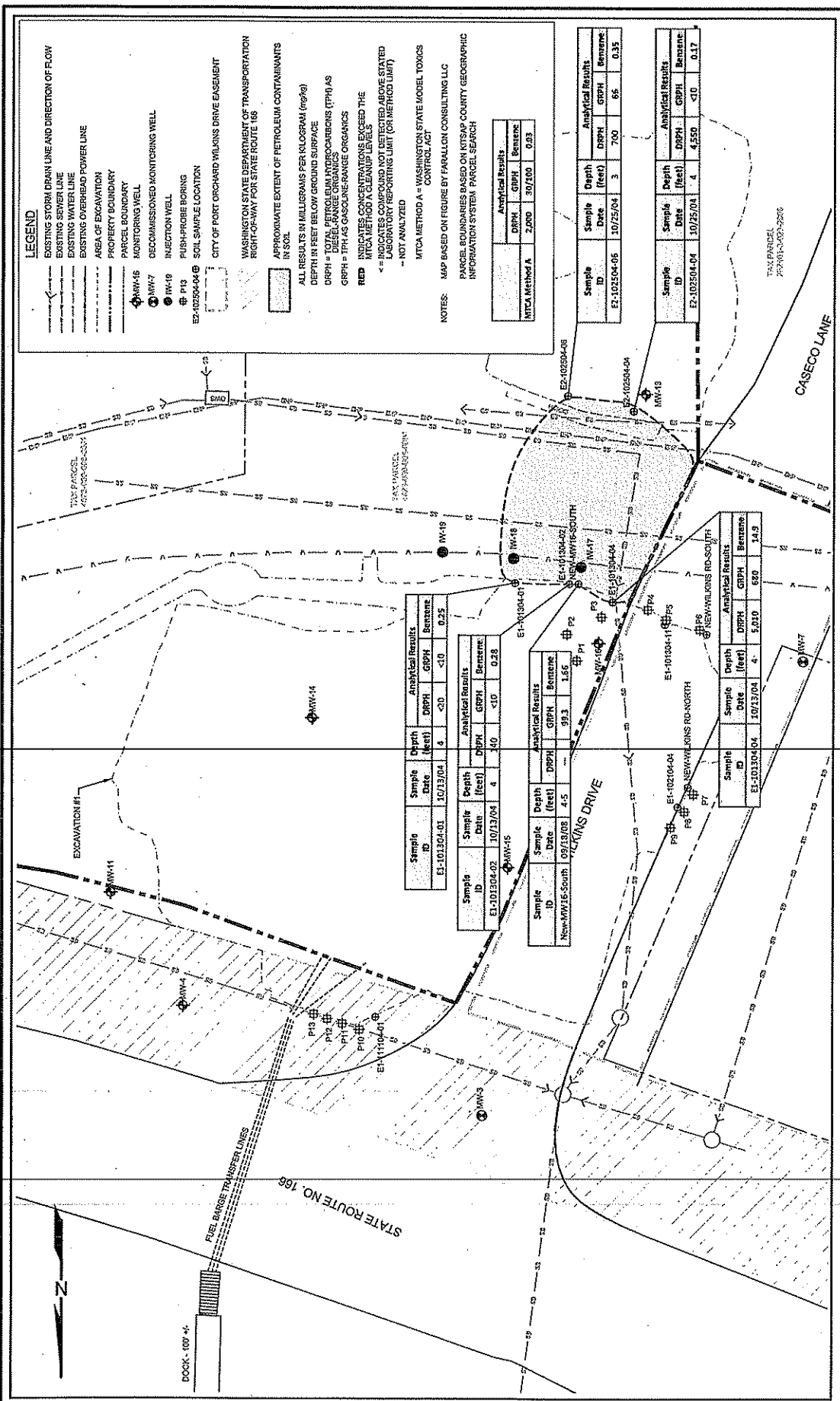


FIGURE 5
PROPERTY PLAN SHOWING ESTIMATED EXTENT OF PETROLEUM-CONTAMINATED SOIL

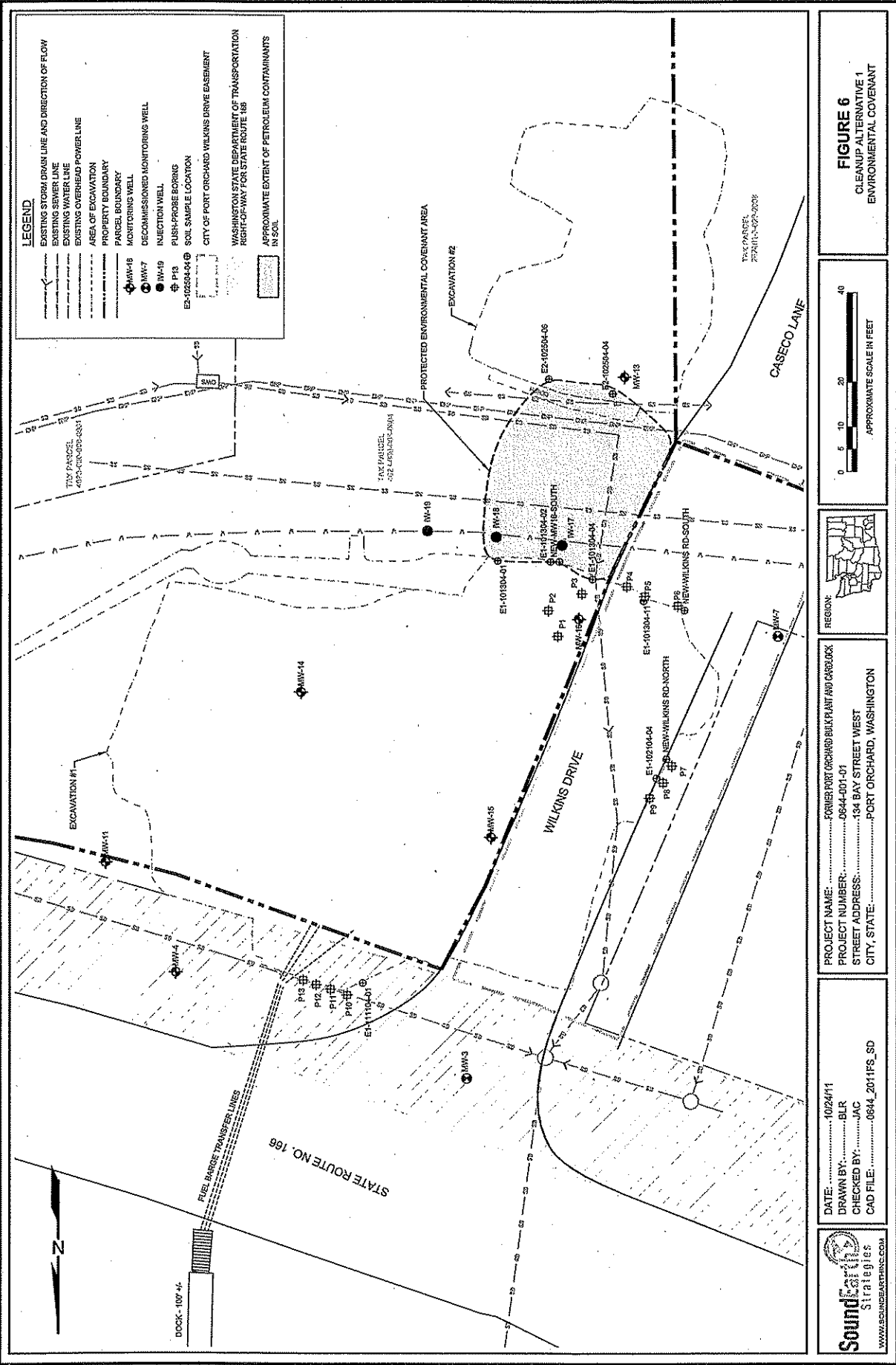
REGION:

PROJECT NAME: FORMER PORT ORCHARD BLUE PLANT AND CHEMLOCK
PROJECT NUMBER: 0644-001-01
STREET ADDRESS: 134 BAY STREET WEST
CITY, STATE: PORT ORCHARD, WASHINGTON

DATE: 10/24/11
DRAWN BY: BLR
CHECKED BY: JAC
CAD FILE: 0644_2011FS_SD

Soundfairs Strategies
www.soundfairsstrategies.com

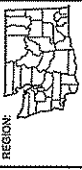
APPROXIMATE SCALE IN FEET
0 5 10 20 40



LEGEND

- EXISTING STORM DRAIN LINE AND DIRECTION OF FLOW
- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING OVERHEAD POWER LINE
- AREA OF EXCAVATION
- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- MONITORING WELL
- DECOMMISSIONED MONITORING WELL
- INJECTION WELL
- PUSH-PROBE BORING
- SOIL SAMPLE LOCATION
- CITY OF PORT ORCHARD WILKINS DRIVE EASEMENT
- WASHINGTON STATE DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR STATE ROUTE 166
- APPROXIMATE EXTENT OF PETROLEUM CONTAMINANTS IN SOIL

FIGURE 6
CLEANUP ALTERNATIVE 1
ENVIRONMENTAL COVENANT



REGION: ...

PROJECT NAME: ... FORMER PORT ORCHARD BULK PLANT AND CARBLOCK

PROJECT NUMBER: ... 0844-001-01

STREET ADDRESS: ... 134 BAY STREET WEST

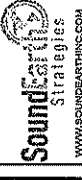
CITY, STATE: ... PORT ORCHARD, WASHINGTON

DATE: ... 10/24/11

DRAWN BY: ... BLR

CHECKED BY: ... JAC

CAD FILE: ... 0844_2011FS_SD



Enclosure B

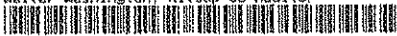
**Environmental Covenant
for Institutional Controls**

Environmental Covenant

After Recording Return to:

Department of Ecology
Northwest Regional Office
3190 160th Ave., SE
Bellevue, WA 98008-5452

NORDIC PROPERTIES 201307030382
Covenants Rec Fee: \$ 79.00
07/03/2013 02:29 PM Page: 1 of 8
Walter Washington, Kitsap Co Auditor



Environmental Covenant

Grantor: Nordic Properties
Grantee: State of Washington, Department of Ecology
Legal: Located at the SW1/4 of the SW1/4 of Section 26, Township 24, Range 1E
Tax Parcel Nos.: 4623-000-005-0004
Cross Reference:

Grantor, Nordic Properties, 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 day of 3rd July, 200¹³ 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 **Nordic Properties**, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

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

1. **Feasibility Study and Disproportionate Cost Analysis by SoundEarth Strategies and dated April 17, 2012**

2. **Addendum – Closure Report – Former Port Orchard Bulk Plant and Cardlock – 134 Bay Street West – Port Orchard, Washington by SoundEarth Strategies and dated May 3, 2011**
3. **Closure Report by Sound Environmental Strategies and dated October 4, 2010**
4. **Cleanup Action Status Report – Port Orchard Bulk Plant and Cardlock – 134 Bay Street West – Port Orchard, Washington by Farallon Consulting and dated February 22, 2006**

These documents are on file at Ecology's Northwest Regional Office 3190 160th Ave., SE Bellevue, WA 98008-5452.

This Covenant is required because the Remedial Action resulted in residual concentrations of **gasoline, diesel, benzene, toluene, and xylenes** which exceed the Model Toxics Control Act Method A Cleanup Levels for soil established under WAC 173-340-900.

The undersigned, **Nordic Properties**, is the fee owner of real property (hereafter "Property") in the County of **Kitsap**, State of Washington, that is subject to this Covenant. The Property is legally described IN ATTACHMENT A OF THIS COVENANT AND MADE A PART HEREOF BY REFERENCE.

Nordic Properties 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.

A portion of the Property contains gasoline, diesel, benzene, toluene, and xylene contaminated soil located in the former right-of-way under and around the City of Port Orchard water line, sewer line, and storm sewer line. The Owner shall not alter, modify, expose, or remove the existing pipelines in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway

without prior written approval from Ecology. Some examples of activities that are prohibited include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the pipeline(s) 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.

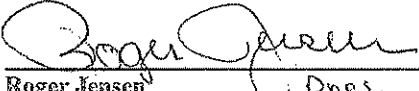
Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

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.


Nordic Properties



Roger Jensen Pres.
owner

Dated: 6/25/13

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

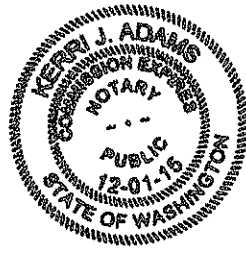


Barry Rogowski
Section Manager

Dated: 7/1/13

STATE OF WA
COUNTY OF Kitsap

On this 25th day of JUNE, 2013 I certify that Robert Jensen
personally appeared before me, acknowledged that he/she is the President/owner
of the corporation that executed the within and foregoing instrument, and signed
said instrument by free and voluntary act and deed of said corporation, for the uses and
purposes therein mentioned, and on oath stated that he/she was authorized to execute
said instrument for said corporation.



Kerri J. Adams
Notary Public in and for the State of
Washington, residing at Kerri J. Adams
Kitsap.
My appointment
expires 12-1-15.

Exhibit A
Legal Description

the west 50 feet of lot 5, together with all tidelands fronting and abutting thereon; and also the east 30 feet of lot 6 all in port orchard bay waterfront tracts, according to the recorded plat thereof; and also: tract 6, port orchard bay waterfront tracts, except the east 30 feet thereof; lying between state highway and county road, and except portion of tract 6 lying north of state highway; and except portion thereof taken for state highway; except roads; as per volume 4, of plats on page 75, records of kitsap county, also tract 7, and the west 100 feet of the north 30 feet of tract 11, port orchard bay water front tracts, as per plat recorded in volume 4 of plats on page 75, records of kitsap county, except the following described property: that portion of lot 6, port orchard bay waterfront tracts, according to plat recorded in volume 4 of plats, page 75, records of kitsap county, washington, described as follows: beginning at the southwest corner of said lot 6; thence north $0^{\circ}24'06$ east along the west line thereof 8.83 feet; thence south $89^{\circ}35'54$ east 11.03 feet to the centerpoint of an existing 3-inch diameter well; thence north $89^{\circ}35'54$ west 2.50 feet to the true point of beginning; thence south $0^{\circ}24'06$ west 2.50 feet; thence south $89^{\circ}35'54$ east 5.00 feet; thence north $0^{\circ}24'06$ east 5.00 feet; thence north $89^{\circ}35'54$ west 5.00 feet; thence south $0^{\circ}24'06$ west 2.50 feet to the true point of beginning;

subject to easements, covenants and conditions of record; together with an access and utility easement over, under and across the following described tract: beginning at the southwest corner of the heretofore described tract; thence south $89^{\circ}35'54$ east 5.00 feet;

thence south $0^{\circ}24'06''$ west to the north margin of wilkins drive; thence westerly along said margin to a point south $0^{\circ}24'06''$ west of the point of beginning; thence north $0^{\circ}24'06''$ east to the point of beginning. except that portion of lot 6, described as follows: beginning at the northwest corner of plat of port orchard bay waterfront tracts as recorded in volume 4 of plats, page 75, records of the auditor of kitsap county, washington; thence south $0^{\circ}24'32''$ west along the west line thereof 182.96 feet to the true point of beginning; thence north $0^{\circ}24'32''$ east along said west line 54.68 feet to a point on the southerly right of way margin of state highway no. 14; thence south $69^{\circ}12'28''$ east along said southerly right of way margin of state highway no. 14; thence south $69^{\circ}12'28''$ east along said southerly right of way margin 21.00 feet; thence south $22^{\circ}58'28''$ west 51.30 feet to the true point of beginning. together with that portion of government lot 1, section 26, township 24 north, range 1 east, w.m., in kitsap county, washington, described as follows: beginning at the northwest corner of the plat of port orchard bay water front tracts as recorded in volume 4 of plats, page 75, records of the auditor of kitsap county, washington; thence south $0^{\circ}24'32''$ west along the west line thereof 237.64 feet, more or less, to the north margin of county road (also known as wilkins drive sw) and being the true point of beginning; thence north $69^{\circ}12'28''$ west along said north

margin 21.00 feet; thence north $22^{\circ}58'28''$ east 51.80 feet to a point on the west line of the
aforementioned plat of port orchard bay tracts; thence south $0^{\circ}24'32''$ west along said
west line 54.68 feet to the true point of beginning.>>together with that portion of vacated
sw wilkins dr as recorded under auditor's file no. 200707260008

