PERIODIC REVIEW

Ricchiazzi Industrial Property
Facility Site ID#: 45819189

4424 and 4500 4th Avenue South,
Seattle, Washington

Northwest Region Office

TOXICS CLEANUP PROGRAM

March 2010

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Ricchiazzi Industrial Property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

(a) Whenever the department conducts a cleanup action
(b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
(c) Or, as resources permit, whenever the department issues a no further action opinion;
(d) and one of the following conditions exists:
    1. Institutional controls or financial assurance are required as part of the cleanup
    2. Where the cleanup level is based on a practical quantitation limit
    3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [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 of mixtures present at the Site;
(c) New applicable state and federal laws for hazardous substances present at the Site;
(d) Current and projected Site use;
(e) Availability and practicability of higher preference technologies; and
(f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The Site is located at 4424 and 4500 4th Avenue South, Seattle, Washington. The approximate Latitude is 047° 33' 44.03" N, the approximate Longitude is 122° 19' 40.58" W, and the approximate elevation is 5 meters or approximately 15 feet above mean sea level. The Duwamish Waterway is located west of the Site approximately ¼ mile. There were no surface water bodies in the immediate vicinity of the subject property.

2.2 Site Investigations and Sample Results

Saybr Contractors, Inc. commenced UST decommissioning activities on September 8, 1998. Asphalt and concrete covering the tanks were removed. During this process, UST2, located between buildings was discovered to be a concrete catch basin full of silty sand and gravel. UST1 and UST3 were confirmed to be underground storage tanks. The tanks were designated T1 (UST1) and T2 (UST3). Tank T1 was oriented in an east-west direction. Tank T2 was oriented in a north-south direction. Both tanks appeared to be heating oil tanks. The USTs were triple rinsed and pumped out by Coastal Tank Cleaning, Inc. on September 8, 1998.

Soil overlying the tanks was stockpiled near the excavations and sampled by the Site Assessor. Saybr Contractors, Inc. removed tanks T1 and T2 on September 8, 1998, from their respective tank basins. A registered Site Assessor from Gneiss Contracting, LLC, sampled both tank basins on September 8, 1998. The USTs were transported off-Site by Coastal Tank Cleaning, Inc., for further cleaning at their Seattle facility followed by recycling as scrap metal at Seattle Iron and Metal.

Tank T1 was 4 feet in diameter and 6 feet in length (approximately 500 gallons). Tank T1 was a welded, steel tank. The UST was in very poor condition, with areas of heavy rust, pitting and holes.

Tank T2 was approximately 5 foot in diameter and 6 feet in length (approximately 880 gallons). Tank T2 was a welded, steel tank. The UST was in very poor condition, with areas of heavy rust, pitting and holes. Product piping consisted of 3/8 inch copper tubing, typical of heating oil tank systems. The product piping was in good condition.

The soil encountered beneath tank T1 was medium dense, moist to wet, brown to gray, silty fine sand with gravel. Soil beneath tank T2 was medium dense, moist to wet, blackish-gray, silty fine sand with abundant fill material (primarily bricks). Heavy oil sheens were detected during sheen testing of the soil directly beneath tanks T1 and T2. A strong petroleum hydrocarbon odor was noted in each tank basin. Floating product was also seen seeping from the northern tank basin sidewalls in each excavation.

Groundwater was encountered at a depth of approximately 8 to 9 feet below grade (fbg) during Site excavation activities.

Six Site assessment soil samples (three per basin), were collected on September 8, 1998, from tank basins T1 and T2. Samples were screened in the field using a sheen test. Sheen testing was performed by collecting a soil sample, adding water, and checking for the presence of a visible oil sheen. Moderate to heavy oil sheens indicate that the soil sampled is likely to be above the Model Toxics Control Act (MTCA) Method A cleanup level of 200 parts per million (ppm) for heating oil. Sample SGA-T1-B-7 was collected from the bottom of tank basin T1 at approximately 7 fbg. Sample SGA-T1 -ESW-7 was collected from the east sidewall of tank basin T1 at 7 fbg. Sample SGA-Tl-WSW-7 was collected from the west sidewall of tank basin Tl at a depth of 7 fbg. Sample SGA-T2-B-7 was collected from the bottom of tank basin T2 at approximately 7 fbg. Sample SGA-T2-NSW-7 was collected from the north sidewall of tank basin T2 at 7 fbg. Sample SGA-T2-SSW-7 was collected from the south sidewall of tank basin T2 at a depth of 7 fbg. Sample SGA-T1-OB1 was collected from approximately 10 cubic yards of overburden soil excavated during tank T1 removal activities. Sample SGA-T2-OB1 was collected from 25 cubic yards of overburden soil excavated during tank T2 removal activities. The samples were logged in, chilled using frozen gel packs, and submitted for analysis using method Northwest Total Petroleum Hydrocarbons Diesel Extended (NWTPH-Dx) to Friedman and Bruya Laboratories in Seattle, Washington.

UST Site assessment sample results indicated moderate to high levels of TPH in the soil samples collected from the bottom and sidewalls of both tank basins T1 and T2. Based upon analytical results, a release of petroleum hydrocarbons to the soil in the vicinity of both tanks was confirmed.

UST SITE ASSESSMENT ANALYTICAL RESULTS (NWTPH-Dx -Extended)
Sample results are in parts per million (ppm)

SAMPLE NUMBER	DATE COLLECTED	MATRIX	TPH/DIESEL
SGA-T1-B-7	9-8-98	soil	30,000
SGA-T1-ESW-7	9-8-98	soil	14,000
SGA-T1-WSW-7	9-8-98	soil	28,000
SGA-T1-OB1	9-8-98	soil	83
SGA-T2-B-7	9-8-98	soil	24,000
SGA-T2-NSW-7	9-8-98	soil	40,000
SGA-T2-SSW-7	9-8-98	soil	820
SGA-T2-OB1	9-8-98	soil	760

Sample SGA-Tl-OB1 had moderately low (83 ppm) levels of total TPH. Sample SGA-T2-OBl had moderate (760 ppm) levels of TPH. The overburden soil was transported to Remedco's facility in Seattle, Washington for heat treatment and recycling.

2.3 Cleanup Actions

Saybr Contractors, Inc. removed two underground storage tanks (USTs) from the property on September 8, 1998. An 880-gallon heating oil tank was located in front of LeDuc Packaging, on the west side of the property. A 500-gallon heating oil tank was located adjacent to the western side of Mail Movers (now Pederson Rentals), south of LeDuc Packaging. Site assessment soil samples were collected and analyzed for total petroleum hydrocarbons (TPH). Analytical results indicated a release of TPH at both tank sites. Remedial excavation of TPH impacted soil was performed in the vicinity of both tank basins as site conditions allowed. Complete cleanup of the site was hampered by numerous utilities in the City of Seattle right-of-way for 4th Avenue South. Two infiltration gallery extraction wells were constructed in the former tank basins. Extraction well EX1 was located in front of LeDuc Packaging at the 4500 4th S. address, and extraction well EX2 was located in front of the 4424 4th S. address.

Remedial excavation was performed by using a trackhoe to remove TPH impacted soil from beneath the tanks. Impacted soil was excavated until field tests indicated that the level of TPH remaining in the soil appeared to be below cleanup levels or the practical limits of remedial excavation had been reached. A total of approximately 231 tons of soil was removed from the tank basins. Independent cleanup confirmation soil samples were collected from the tank basins. Laboratory analytical results from samples collected from the remedial excavation sidewalls and bottom indicated partial cleanup of both tank sites has been achieved. However, significant levels of TPH contaminated soil remain in place in both tank basins. TPH contaminated soil may also remain under building 4424 4th S., but apparently not under 4500 4th S.

Analytical results indicate that groundwater had been impacted in both tank basins. Groundwater from tank basin T1 had very high levels of TPH, indicating some floating product remained after excavation. Groundwater from tank basin T2 had 1.5 ppm TPH. Groundwater monitoring/extraction wells were installed in both tank basins. The installation of additional groundwater monitoring/treatment wells and quarterly monitoring was recommended for each tank location.

Five additional ground water monitoring/treatment wells (MW-1 through MW-5) were installed on December 28, 1998, on the Site. The wells were developed by surging and pumping to remove fine-grained sediments. Site soil conditions and ground water monitoring sampling activities are detailed in the February 1999 report titled "Groundwater Characterization and Monitoring Report" by Gneiss Contracting, LLC. Ground water samples were collected by a Washington State International Fire Code Institute (IFCI) registered Site Assessor on March 20, 2000. All samples were collected using Associated Earth Sciences', Inc. (AESI's) standard sampling and decontamination protocols. Well MW-1 could not be sampled due to mud and silt that migrated into the well casing. Ground water monitoring wells MW-2 through MW-5 were sampled, and had levels of TPH below 1 ppm. The static head of the wells was measured, which indicated that the direction of ground water flow was to the north-northeast. Based on analytical results below 1 ppm for wells MW-2 through MW-5 and the measured direction of ground water flow, the wells MW-1 through MW-5 were not sampled again.

Ground Water Monitoring
Analytical Results (NWTPH-Dx - Extended)
(sample results are in ppm)

Sample Number	Date Collected	Matrix	TPH/Diesel (ppm)
SGA-EX1-1	09-21-98	Water	590.00
SGA-EX2-1	09-21-98	Water	1.50
LD1298 (EX1)	12-28-98	Water	420.00
MM1298 (EX2)	12-28-98	Water	**0.68**
RP-02-EX1	02-3-99	Water	2.20
RP-02-EX2	02-3-99	Water	1.10
RP-02-MW2	02-3-99	Water	**0.63**
RP-02-MW3	02-3-99	Water	**0.46**
RP-02-MW4	02-3-99	Water	**<0.25**
RP-02-MW5	02-3-99	Water	**0.32**
EX1-Q299	06-25-99	Water	32.00
EX2-Q299	06-25-99	Water	**0.45**
EX1-Q399	08-15-99	Water	1.50
EX2-Q399	08-15-99	Water	**0.44**
EX1-Q399-02	09-26-99	Water	3.10
EX1-Q499	11-21-99	Water	20.00
EX2-Q499	11-21-99	Water	1.50
RP-Q499-EX1	12-8-99	Water	9.30
RP-Q499-EX2	12-11-99	Water	**0.84**
RP-Q499-EX1	12-19-99	Water	5.80
RP-Q12000-EX1	3-20-00	Water	2.70
RP-Q12000-EX2	3-20-00	Water	**.41**

Results below the MTCA ground water cleanup level of 1 ppm are in bold.

Ground water analytical results for extraction gallery EX1 indicate levels of TPH-D in ground water had decreased but for the last four quarters all were still above MTCA Method A values for potable groundwater, and two out of four were above surface water standards. Results from extraction gallery EX2 indicate two consecutive quarters of TPH-D concentrations below MTCA Method A cleanup levels for potable groundwater.

50 gallons of 2.5 weight percent oxygen release compound (ORC^{TM}) solution were injected on December 8, 1999, into EX1 to enhance microbial breakdown of petroleum hydrocarbons in ground water. An additional 50 gallons of 2.5 weight percent ORC^{TM} solution were injected into

EX1 on December 19, 1999. Twenty-five gallons of 2.5 weight percent ORC™ were administered to EX2 on December 11, 1999.

Groundwater sampled during the first quarter of 2000 from the former tank basin located in front of LeDuc Packaging had decreased levels of petroleum hydrocarbons, but remained above MTCA cleanup levels for ground water. The argument was made by the consultant to Ecology that since the well is located within an industrial zone and benzene is not associated with heavy heating oil, the Site does not appear to present a significant risk to nearby receptors. Laboratory analytical results indicate levels of petroleum hydrocarbons in EX2 have remained below the MTCA cleanup level of 1 ppm for four of the past five quarters, but these were not consecutive, although a duplicate of the unsatisfactory quarter was acceptable.

Closure of this Site was requested through the Voluntary Cleanup Program at the Washington State Department of Ecology. Mr. Charles San Juan of Ecology indicated that given the general conditions of the project area (generally non-potable water supply), the Site qualified for closure with a restrictive covenant prohibiting the use of ground water on-Site. A 'No Further Action' (NFA) letter from Mr. San Juan of Ecology was issued April 10, 2000, after a restrictive covenant was recorded. Groundwater had not been adequately monitored in the usual manner, i.e., four consecutive quarters of satisfactory results from properly constructed monitoring wells, but new information was provided to compensate for that. The monitoring wells were only sampled once, and the extraction wells, while showing promise, were not sampled enough, or at least EX1 was not sampled enough. An additional groundwater sampling occurred in April 2010, and the results were satisfactory; therefore, this Periodic review can recommend the NFA letter issued in 2000 remain in effect.

2.4 Cleanup Levels

MTCA Method A standards were used to set Site cleanup levels for soil. There was some reference to surface water standards for the groundwater, but non-potability of the groundwater was not established sufficiently, so MTCA Method A standards for groundwater was the default.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2000 which imposed the following limitations:

Section 1. This Property shall be used only for traditional industrial uses described in RCW 70. 105D 020(23) and defined in and allowed under the City of Seattle s zoning regulations codified as of the date of this Restrictive Covenant, in Section 23 50 012-014 of the Seattle Municipal Code.
Section 2. The Property contains diesel fuel contaminated soil along the west boundary of the warehouse buildings situated on the northerly portion of the Property. Owner agrees not to alter, modify, or remove the existing structures 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 in those areas of the Property where contaminated diesel fuel is located include drilling, digging, or excavation, including bulldozing or earth work.

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 consent of Ecology.

Section 4. The Owner of the Property must give thirty (30) days advance written notice to Ecology, or to any Successor agency, 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. Owner shall restrict all leases of the Property to those that are consistent with this Restrictive Covenant and, in connection therewith, shall notify all lessees of these restrictions on the use of the Property. This provision may be satisfied for any given tenant by the inclusion in its lease of the applicable restrictions and obligations under Section 1 through 4 above.

Section 6. The Owner shall not do or permit any activity on the Property that may compromise or interfere with the Remedial Action or otherwise result in the release to the environment of any hazardous substance that remains on the Property. The Owner shall notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology, or its successor, 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 any Remedial Actions, including taking samples, inspecting the Remedial Action conducted, and inspecting records that are related to the Remedial Action.

Section 8. The Owner 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 as specified above 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 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants for ingestion and direct exposure at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on March 17, 2010, the asphalt cover and 4424 4th S. building at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears to be deteriorating; however, repair or other contingency actions may not be possible immediately, as the asphalt allegedly is in a city right-of-way. The Site is still operating as commercial/industrial warehousing. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy (asphalt surface) prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining in the soil is contained and controlled.

Groundwater was remediated with extraction wells and ORC™ and additional groundwater sampling in 2010 have confirmed protectiveness.

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

There is no new scientific information for the contaminants related to the Site.

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

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

"A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment."

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA

Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

Analyte	**1991 MTCA Method A Soil Cleanup Level (ppm)**	**2001 MTCA Method A Soil Cleanup Level (ppm)**	**1991 MTCA Method A Groundwater Cleanup level (ppb)**	**2001 MTCA Method A Groundwater Cleanup Level (ppb)**
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for commercial and industrial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site to further remediate the soil.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

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

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.

- Soils cleanup levels have not been met at the standard point of compliance for the Site, but the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.

- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required of the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the pavement is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

Repaving the asphalt cover is recommended for continued protection of human health, and also the environment.

5.0 REFERENCES

1) Underground Storage Tank Assessment and Independent Cleanup Report, dated October 1998, by Gneiss Contracting;

2) Groundwater Characterization and Monitoring Report, dated February 1999, by Gneiss Contracting;

3) Groundwater Characterization and Monitoring Report - Second Quarter 1999, not dated, by Gneiss Contracting;

4) Groundwater Characterization and Monitoring Report - Third Quarter 1999, not dated (cover letter dated October 27, 1999), by Gneiss Contracting;

5) Groundwater Characterization and Monitoring Report - Fourth Quarter 1999, dated December 1999, by Gneiss Contracting;

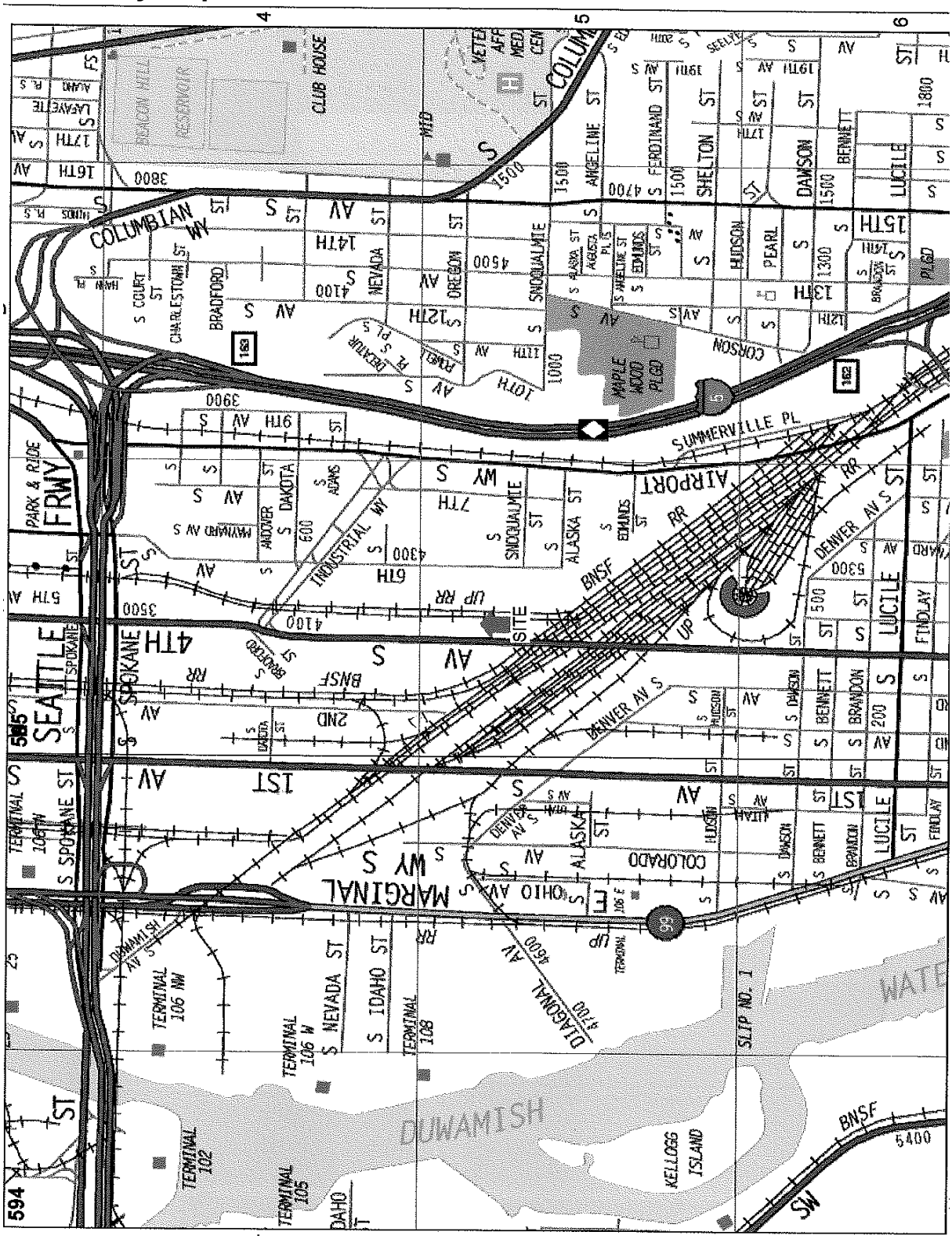
6) First Quarter 2000 Groundwater Monitoring and Project Closure Report, dated April 26, 2000, by Associated Earth Sciences, Inc.;

7) 2000 Restrictive Covenant;

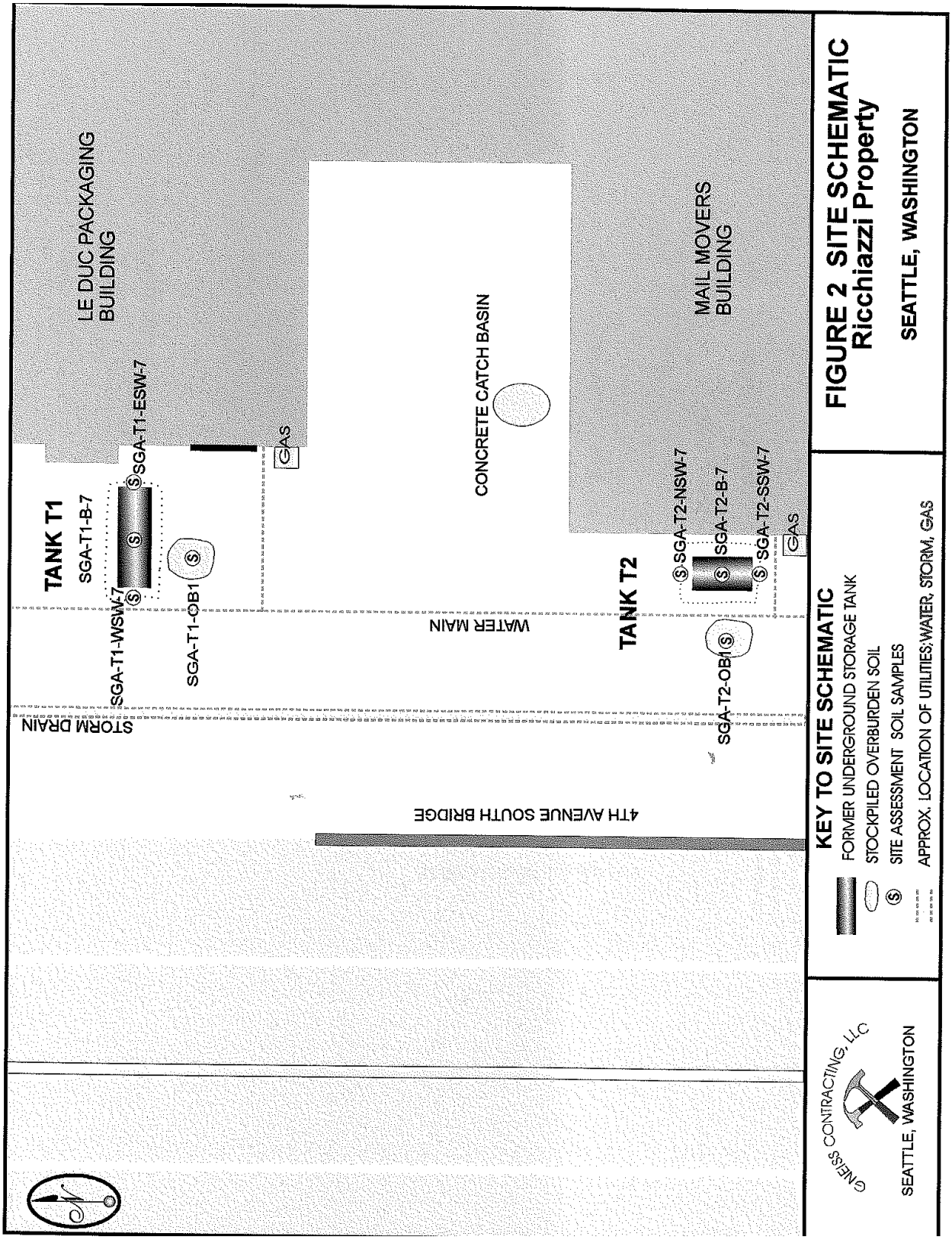
8) Ecology, 2010, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan


LE DUC PACKAGING BUILDING
MAIL MOVERS BUILDING
CONCRETE CATCH BASIN
TANK T1
SGA-T1-B-7
SGA-T1-ESW-7
SGA-T1-WSW-7
SGA-T1-OB1
TANK T2
SGA-T2-NSW-7
SGA-T2-B-7
SGA-T2-SSW-7
SGA-T2-OB1
GAS
GAS
WATER MAIN
STORM DRAIN
4TH AVENUE SOUTH BRIDGE
FIGURE 2 SITE SCHEMATIC
Ricchiazzi Property
SEATTLE, WASHINGTON
KEY TO SITE SCHEMATIC
FORMER UNDERGROUND STORAGE TANK
STOCKPILED OVERBURDEN SOIL
SITE ASSESSMENT SOIL SAMPLES
APPROX. LOCATION OF UTILITIES:WATER, STORM, GAS
GNESS CONTRACTING, LLC
SEATTLE, WASHINGTON

6.3 TPH-Dx Concentration Map

not available

6.4 Environmental Covenant

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KING COUNTY, WA

WHEN RECORDED RETURN TO

Richard P Matthews
Weiss Jensen Ellis & Howard
520 Pike Street, Suite #2600
Seattle, Washington 98101

2000 072 4001521

NAME OF GRANTOR	Frank N Ricchiazzi Revocable Trust
NAME OF GRANTEE	The Public
ABBREVIATED LEGAL DESCRIPTION	PORTIONS OF BLOCKS 17 AND 20, LADD'S FIRST ADDITION, VOLUME 10 OF PLATS, PAGE 75, TOGETHER WITH PORTIONS OF VACATED STREETS AND ALLEYS ADJOINING THERETO
ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER	395890-0645-08 and 395890-0650

RESTRICTIVE COVENANT

The undersigned, Frank N Ricchiazzi, individually and on behalf of the Frank N Ricchiazzi Revocable Trust, a California Grantor Trust, ("Ricchiazzi") executes this declaration of Restrictive Covenant, this 5th day of June, 2000

RECITALS

A Ricchiazzi is the fee owner of real property ("Property"), located in Seattle, King County, Washington with the street address of 4424 and 4500 Fourth Avenue South. Such Property is legally described in Exhibit A of this Restrictive Covenant and made a part hereof by reference

B Ricchiazzi conducted an independent Remedial Action (hereafter "Remedial Action") at the Property that is the subject of this Restrictive Covenant, and thereafter submitted a voluntary clean up report and a request for a No Further Action letter to the Washington State Department of Ecology ("Ecology") The Remedial Action conducted at the Property is described in the following documents submitted by Gneiss Contracting

1) January 29, 1999, Underground storage tank assessment and independent clean up report,
2) April 26, 1999, Ground water characterization and monitoring report,
3) Ground water characterization and monitor report - second quarter, 1999,

4) Ground water characterization and monitoring report – third quarter 1999,
5) Ground water characterization and monitoring report – fourth quarter 1999

On the basis of such reports Ecology issued its No Further Action letter on April 10, 2000 conditioned upon the recordation of this Restrictive Covenant for the Property The above referenced documents are on file at Ecology's Northwest regional office (NWRO) This declaration of Restrictive Covenant is made in accordance with RCW 70 105D 030 and WAC 173-340-440 This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of diesel fuel which exceeds the Model Toxic Controls Acts Method A Residential Clean Up Levels for soil and ground water established under WAC 173-340-740 and WAC 173-340-720, respectively

RESTRICTIONS

Ricchiazzi makes the following declaration regarding the limitations, restrictions and uses to which the Property may be put, and hereby declares that such declarations shall constitute a covenant to run with the land as provided by law and shall be binding upon him and all persons claiming under him including all current and future owners of any portion of or interest in the Property (hereinafter referred to as "Owner")

Section 1 This Property shall be used only for traditional industrial uses described in RCW 70 105D 020(23) and defined in and allowed under the City of Seattle's zoning regulations codified as of the date of this Restrictive Covenant, in Section 23 50 012-014 of the Seattle Municipal Code

Section 2 The Property contains diesel fuel contaminated soil along the west boundary of the warehouse buildings situated on the northerly portion of the Property Owner agrees not to alter, modify or remove the existing structures 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 in those areas of the Property where contaminated diesel fuel is located include drilling, digging or excavation including bulldozing or earth work

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 consent of Ecology

Section 4 The Owner of the Property must give thirty (30) days advance written notice to Ecology, or to any Successor agency, 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 Owner shall restrict all leases of the Property to those that are consistent with this Restrictive Covenant and, in connection therewith, shall notify all lessees of these restrictions on the use of the Property This provision may be satisfied for any given tenant by the inclusion in its lease of the applicable restrictions and obligations under Section 1 through 4 above

Section 6 The Owner shall not do or permit any activity on the Property that may compromise or interfere with the Remedial Action or otherwise result in the release to the environment of any hazardous substance that remains on the Property The Owner shall notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant Ecology, or its successor, may approve any inconsistent use only after public notice and comment

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Section 7 The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating any Remedial Actions, including taking samples, inspecting the Remedial Action conducted and inspecting records that are related to the Remedial Action

Section 8 The Owner 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 as specified above 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

IN WITNESS WHEREOF, Frank N Ricchiazzi Revocable Trust has executed this declaration on the day and year first above written

FRANK N RICHIAZZI REVOCABLE TRUST

By _____

Printed Name Frank N Ricchiazzi

Title _____

2000 072 4001521

STATE OF ~~WASHINGTON~~ CA)
) ss
COUNTY OF ~~KING~~ Orange)

On this day personally appeared before me **FRANK N. RICCHIAZZI**, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned

Given under my hand and official seal this 5th day of ~~June~~ July, 2000.

_____
Signature

_____
Print Name

Notary Public in and for the State of ~~Washington~~ CA, residing at Laguna Park
My Commission Expires 2-13-2003

TERRI BLUM
Commission # 1210783
Notary Public - California
Orange County
My Comm. Expires Feb 13, 2003

6.5 Photo log

Photo 1: Business at 4424 4th S. , UST removal area below (not visible) - from the west

Photo 2: Existing monitoring well in front of 4424 4th S.

Photo 3: Pederson owned building, UST removal area past the steps - from the north

Photo 4: Asphalt in poor condition in front of 4500 4th S.