

PERIODIC REVIEW

Hines Interest/Seafo Parking Garage, aka Fourth Avenue Plaza, now Safeco Plaza Facility Site ID#: 84854685

1001 Fourth Avenue, Seattle, Washington

Northwest Region Office

TOXICS CLEANUP PROGRAM

December 2010

1.0	ITRODUCTION1
2.0	UMMARY OF SITE CONDITIONS 2
2.1	Site Description and History
2.2	Site Investigations and Sample Results
2.3	Cleanup Actions
2.4	Cleanup Levels7
2.5	Restrictive Covenant7
3.0	ERIODIC REVIEW
3.1	Effectiveness of completed cleanup actions10
3.2	New scientific information for individual hazardous substances for mixtures present at
	the Site10
3.3	New applicable state and federal laws for hazardous substances present at the Site10
3.4	Current and projected Site use11
3.5	Availability and practicability of higher preference technologies11
3.0	Availability of improved analytical techniques to evaluate compliance with cleanup
	levels11
4.0	ONCLUSIONS12
4.	Next Review12
5.0	EFERENCES13
6.0	PPENDICES14
6.	Vicinity Map15
6.2	Site Plan16
6.3	TPH-Dx Concentration Map17
6.4	Environmental Covenant
6.5	Photo log

1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of postcleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Hines Interest/Seafo Parking Garage (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, 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; or
 - 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 project area is a 50-story office tower located in the downtown Seattle central business district between Third and Fourth Avenues and Madison and Spring Streets at the 1001 Fourth Avenue Plaza, Seattle, Washington (project area). The 1001 Fourth Avenue Plaza building was constructed in 1969 as the headquarters for the former Seafirst National Bank. The building was subsequently sold in 1983 to 1001 Fourth Avenue Associates / JMB Properties. The building footprint covers an entire city block and is bounded by Spring Street on the north, Madison Street on the south, Third Avenue on the west, and Fourth Avenue on the east. The three underground storage tanks (USTs) are located under the Third Avenue sidewalk near the corner of Third Avenue and Madison Street. The USTs were originally installed in 1969 and served a gasoline station located inside the parking garage of the building. The gas station operated from 1969 until February 1996. The three USTs were pumped of all remaining product in July 1996. A 1,000-gallon waste oil UST had been located under the Madison Street sidewalk but was removed in 1991 according to Trammell Crow Company. The product lines from the USTs run beneath the Madison Street sidewalk and enter the building halfway up the block from Third Avenue, a distance of approximately 130 feet.

As part of the original Site development, four USTs were installed along the corner of Third Avenue and Madison Street. Three of the USTs supplied motor vehicle fuel to a dispenser island located on the first floor (A Level) of the parking garage. The fourth UST was used for waste oil storage. The waste oil was generated by motor oil changes conducted within the garage.

The project area, as well as the entire metropolitan area, is located in the Puget Sound Basin which lies between the Cascade Range to the east and the Olympic Mountains to the west. The project area is found on a west-facing slope of an upland area, one of several upland drift areas located in the area. The project area at the location of the tanks is located at an elevation of approximately 120 feet above mean sea level. Native soils in the excavation along the western sidewall of the UST excavation were observed to be dense clayey sandy silt with gravel. The native soils were interpreted as silty sands, sandy silt. No groundwater was observed in the excavation. The excavation was dug to a depth of approximately 7 feet below ground surface (bgs), sufficient to expose only the top portion of the tanks.

2.2 Site Investigations and Sample Results

ATC Associates Inc. (ATC) performed UST decommissioning and Site assessment services at the request of Trammell Crow Company. Mr. Neil Gilham of ATC, an International Fire Code Institute registered Site assessor, performed the Site assessment. The contractor performing the decommissioning services was Glacier Environmental Services, Inc. Three USTs were decommissioned during the project. The tanks are described as follows:

- Tank No. 1 7,500-gallon unleaded gasoline
- Tank No. 2 6,000-gallon super unleaded gasoline
- Tank No.3 3,000-gallon diesel

The decommissioning project involved the partial removal of the upper portion of tanks with closure in place of the lower portion of tanks. The decommissioning project took place during July and August 1998. The Site assessment samples were collected on August 4 and 10, 1998.

ATC was present on Site at the request of Trammell Crow Company only to collect Site assessment soil samples on August 4 and August 10, 1998. Therefore, much of the actual decommissioning work was not witnessed by ATC. Decommissioning of the USTs was performed by Glacier Environmental Services, Inc. (GES) during July and August 1998. The overlying sidewalk was demolished and the upper portion of the tanks was excavated and exposed. All soil excavated to expose the tanks was transported to a Regional Disposal Company Rabanco landfill. The upper portion of the tanks was torch cut and removed. The cutoff top portions of the tanks were transported to Seattle Iron & Metals Corporation for recycling. The bottom portion of the tanks and the excavation were backfilled with a controlled density fill (CDF) that consisted of a lean concrete mixture.

Field sampling was performed according to the Washington State Department of Ecology (Ecology) protocol as described in "Guidance for Site Checks and Site Assessments for Underground Storage Tanks." All samples were collected as discrete samples.

Sample No.	Location	Depth (ft.)	Gasoline	Diesel ,	Oil	Lead
S-1	South of Tank No. 1	4	NA	NA	NA	ND (<6)
S-2	Underneath Tank No. 3	11	ND (<20)	ND (<50)	ND (<100)	ND (<8)
S-3	West sidewall by Tank No. 3	7	ND (<20)	ND (<50)	ND (<100)	ND (<8)
S-4	Underneath Tank No. 2	10.5	ND (<20)	ND (<50)	ND (<100)	ND (<8)
S-5	Underneath Tank No. 1	9	ND (<20)	86	710	ND (<8)
S-6	South sidewall by Tank No. 1	6.5	9,400	1,100	870	ND (<8)
	Method A Cleanup Level		100	200	200	250

ND = not detected

NA = not analyzed

Sample No.	Benzene	Toluene	Ethylbenzene	Xylene
S-6	73	980	240	1,500
Method A Cleanup	0.5	40	20	20
Level				

No discolored soil was observed in the excavation of the USTs. Gasoline odor was noted at the southern end of the excavation, particularly in the area of sample S-6. The USTs all appeared to be in good condition with no holes, rust, or corrosion. On August 4, 1998, a single soil sample

(sample no S-1) was collected from the southern side of the excavation. This sample was analyzed for total lead by United States Environmental Protection Agency (USEPA) Method 7420 for the purpose of profiling the excavated soil for acceptance for disposal at Regional Disposal Company's landfill. Five soil samples (sample S-2 through S-6) were collected from the tank excavation on August 10, 1998 for the Site assessment. A soil sample was collected through the bottom of each tank. Two sidewall samples were collected from the excavation. All five samples were analyzed for total lead by USEPA Method 7420 and for hydrocarbon identification by Ecology Method Washington Total Petroleum Hydrocarbon – Hydrocarbon Identification (WTPH-HCID). Sample S-5 was further analyzed for diesel- and oil-range hydrocarbons by Ecology Method WTPH-Diesel Extended (D EXT) because the WTPH-HCID analysis indicated the presence of oil-range hydrocarbons. Sample S-6 was further analyzed for gasoline-range hydrocarbons and for benzene, toluene, ethylbenzene, and xylenes (BTEX) by Ecology Method WTPH-Gasoline (G)/USEPA Method 8021 because the WTPH-HCID analysis indicated the presence of gasoline-range hydrocarbons. No stockpile samples were collected. All excavated soil was immediately transported to the Regional Disposal Company landfill.

In addition to site assessment soil samples, a sample of the asphaltic tank coating was collected from each of the upper portions of the tanks that were removed. The samples were analyzed for asbestos by NVL Laboratories, Inc. of Seattle, Washington. No asbestos was detected in these samples.

Previous investigations were conducted along the product piping under the Madison Street sidewalk. These involved three hollow-stem auger borings (B-1A, B-1, and B-2) and three Geoprobe borings (B-3, B-4, and B-5). The findings of these investigations are found in the following reports:

- Site Characterization Report of 1001 Fourth Avenue, Seattle, Washington, ATC Environmental Inc., April 26, 1996
- Additional Subsurface Investigation 1001 Fourth Avenue, Seattle, Washington, ATC Environmental Inc., February 25, 1997

2.3 Cleanup Actions

The findings confirmed that a release of petroleum hydrocarbons exceeding the Method A Cleanup Levels as established in the Model Toxics Control Act Cleanup Regulation Chapter 173-340 WAC (MTCA) occurred. The affected area was located below and south of Tank 3 as indicated by the analytical results for samples S-5 and S-6. These findings also confirmed the findings of ATC's previous investigation (February 25, 1997) that indicated a release exceeding MTCA Method A Cleanup Levels from boring B-3 at 20 feet bgs, also located south of Tank No. 3. The previous investigations along the product piping indicated a release at the location of B-2 exceeding MTCA Method A Cleanup Levels from approximately 10 to 35 feet bgs. No apparent release was indicated at borings B-1 and B-4.

The waste oil tank was removed in July 1991, after tightness testing in November 1990 revealed either the lines or tank had failed the test. Upon exposure of the tank, visibly contaminated soils

were observed around the fill pipe to the tank. Three soil samples were collected following removal of the tank. Both sidewall samples were free of diesel/heavy oil total petroleum hydrocarbons (TPH). The bottom sample, taken at a 6-foot depth, contained TPH at 1,300 milligrams per kilogram (mg/kg). The soils beneath the tank were subsequently over excavated to a depth of 8.5 feet, the depth limit to which the City allowed excavation without extensive shoring along Madison Street. A final sample was then collected from the base of the excavation. This sample contained TPH at a concentration of 3,600 mg/kg. The tank removal and cleanup were both reported to Ecology. Ecology determined that the required cleanup standards could not be achieved due to existing structures adjacent to the excavation. Ecology also determined that the remaining contamination was of insufficient threat to human health or the environment to warrant any further action on the part of Ecology (DePan 1991).

The product lines from the USTs ran east beneath the steeply sloping Madison Street sidewalk and turned 900 to the north prior to entering the building, a distance of approximately 130 feet. The tanks and lines were subjected to tightness testing beginning in 1987 following observations by a METRO drilling crew of a "strong odor of gasoline" emitted from a borehole drilled in front of the tanks along Third Avenue. At the request of METRO, the Seattle Fire Department measured vapors in the borehole. No combustible vapor was detected. Work resumed once it was ascertained that the drilling did not puncture the tanks. In 1991, the three motor fuel USTs were retrofitted to meet Federal UST regulations. Line leak detectors, catchment basins, and automatic overfill protection devices were installed on each tank.

On February 26, 1996, an employee of CPS, the parking garage operator, noted an apparent gasoline leak in the lowest level, E Level, of the parking garage. A follow-up inspection noted streaks in the south wall of the garage, some discoloration, loose paint in some areas, and standing liquid in the foundation wall perimeter drain. The amount of liquid in the perimeter drain was estimated to be half a gallon. Although the inspectors did not notice obvious gasoline odors, they noted that they could smell gasoline if the liquid was held close to the nose, indicating that it was probably diluted with water (Benson 1996). Three days later, the three remaining tanks and lines were tested. The product line for the super unleaded tank failed the tightness test. All three tanks and the two other product lines passed the tests. The tanks had been last tested in April 1994, and all three tanks and lines had passed the tests. The super unleaded tank was taken out of service by pumping out the remaining product. The weep holes that drain the base of the foundation were cleaned out. In July 1996, the remaining two non-leaking tanks were pumped of product and taken out of service as well.

The IDX Tower is a 38-story office building located directly south of the 1001 Fourth Avenue Plaza Building. Pre-construction drilling for geotechnical and Phase II Environmental Site Assessment purposes encountered gasoline-contaminated soil (e.g., TPHG/BTEX greater than MTCA Method A cleanup levels) at certain locations and depths. The building developers prepared a cleanup action plan to manage contaminated soil exposed by the excavation for the foundation. Prior to excavation of the foundation, numerous soldier pile borings were drilled. The soldier pile borings along the south side of Madison Street encountered gasolinecontaminated soil along a 50-foot wide zone directly across from the 1001 Fourth Avenue Plaza Parking Garage. The foundation excavation in late 2000 to early 2001 encountered gasolinecontaminated soil primarily within an unsaturated sand and gravel formation approximately 20 to 40 feet below grade. In-situ samples were collected at various excavation elevations to characterize the release. Gasoline-contaminated soil was found in a widening swath that extended southward from Madison Street approximately 160 feet. The apparent source of the contaminated soil was the leaking super unleaded product line based on the location, depth of contamination, and contaminant type. In total, 80,741 tons of soil were landfilled, and 7,745 tons of were treated by thermal desorption prior to landfilling. The excavation removed the entire plume of soil contamination within the IDX Tower Site. During excavation, a limited amount of perched groundwater was encountered, primarily in the form of seeps within the sand/gravel formation. Soon after being exposed by the excavation, the seep discharges slowed considerably. As a result, two dewatering wells that were installed to control seepage into the excavation were rarely utilized. An aquifer was not identified during excavation to the final excavation depth of 55 feet MSL. Geotechnical borings as deep as 30 feet mean sea level (MSL) also did not encounter an aquifer.

During the fall of 2002, King County METRO conducted deep trenching along Madison Street. The purpose of the trench was to install a new trolley bus electrical distribution system for a relocated substation. Floyd Snider McCarthy, Inc. (FSM) notified King County of the possibility that the trench might encounter gasoline-contaminated soils across from the entrance to the 1001 Fourth Avenue Parking Garage. FSM observed the trenching and collected soil samples. King County also collected samples of trench soil for disposal purposes. The trench was installed in between and under a network of highly congested utilities. The trenching was done in 20-foot long segments beginning at Third Avenue. The trench segment located directly across from the Boring B2 and the parking garage entrance was excavated during the evening of November 4, 2002. The trench segment excavated on November 4, 2002 encountered highly compacted clayey silt beneath surface fill. The clayey silt was underlain by a sand layer beginning at a depth of 12 feet. Slight petroleum odors were noted when the sand was first exposed. Following trenching to a depth of between 13 to 15.5 feet, four soil samples were collected at each end of the trench and in the middle of the trench. A fifth sample was collected earlier at a depth of 10 feet. Aside from a trace concentration of xylene, no other gasoline-constituents were detected in any of the samples. Trenching was not continued east of this segment due to an interfering electrical utility vault that had to be tunneled under rather than excavated through. The tunnel segment bored through soil at an approximate depth of 12 feet. The tunnel segment ended east of the product line bend. King County verbally reported to FSM analytical results indicating that the tunnel spoils were free of petroleum-contaminated soil (Carbon 2002).

Institutional controls and monitoring was the only practical long-term remedy for this Site, according to the environmental consultant. The other remedies were impractical, were much more expensive and did not provide more reduction in risk to human health and the environment. Institutional controls and monitoring does provide an adequate degree of protectiveness and are less expensive. They will also be effective over the long-term.

In accordance with WAG 173-340-440, institutional controls were described in a restrictive covenant on the property. For the impacted soils under Madison Street, the City of Seattle was notified of the presence of gasoline-contaminated soils under Madison Street between Third and

Fourth Avenues. Additionally, the Department of Ecology will be notified of the owner's intent to convey any realty interest in the Site, and future owners must continue with the monitoring and notifications requirements described in the restrictive covenant.

Monitoring of the seepage in the perimeter drain will be done on a monthly basis and is the responsibility of the building management company. However, notice of flow to the perimeter trench drain gates may be indicative of a change in subsurface conditions. Ecology will be notified should this be observed. A perimeter drain-monitoring plan is documented in records and Ecology files. Similar monitoring of groundwater seepage is ongoing at the IDX Tower. However, because the IDX Tower garage does not have a perimeter drain, monitoring of groundwater quality occurs at a central sump, prior to being pumped into the sanitary sewer.

While the City of Seattle cannot execute a restrictive covenant in a public street right-of-way (ROW), it will include this Site in a ROW "flagging" system that notifies all City of Seattle units involved with ROW use permitting of the existence of contaminated soils under Madison Street. This meets the requirements of WAC 173-349-440(8)(b)(ii) regarding alternatives to restrictive covenants on properties (or ROWs) owned by government entities.

Ecology issued a 'No Further Action' letter November 4, 2003 after a restrictive covenant was recorded with the county.

2.4 Cleanup Levels

MTCA Method A standards were used to set conditional points of compliance, and for comparison purposes to determine protectiveness.

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 2003 which imposed the following limitations:

Section 1.

A portion of the Property contains soil contaminated by petroleum hydrocarbons, benzene, toluene, ethyl benzene and total xylenes below 15 feet in the portion of the Property under Madison Street, as well as under the sidewalk adjoining the Fourth Avenue Plaza Building along Madison Street. The Owner shall not alter, modi', 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 wrtten approval from Ecology. 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. Examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface

beyond it load-bearing capacity, 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) days 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 unless the purchaser agreeA to abide by the requirements of the No Further Action letter issued by the Washington State Department of Ecology and this Restrictive Covenant.

Section 5.

The Owner, must restrict leases to uses and activities consistent with the Restrictive Covenant. 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 9 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 purposes of evaluating the Remedial Action; to take samples, to inspect Remedial Actions conducted at the Property and to inspect records that are related to the Remedial Action.

Section 8.

The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any thither force or effect. However, such instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Section 9.

Nothing in this Restrictive Covenant shall affect the City of Seattle's ownership, management or police power authority over the Madison Street right-of-way and the soil beneath it, as more filly described as: Right in the general public, to use for street purposes, that portion of said premises lying within the right -of-way of Third Avenue, Fourth Avenue, Spring Street, and Madison Street, as dedicated in the plat of C.D. Boren's Addition to the City of Seattle, according to plat recorded in Volume 1 of Plats, page 25, records of King County, Washington, and that portion of said premises condemned for widening of Third Avenue in King County Superior Court Cause No. 54134, as provided by ordinance No. 14345, of the City of Seattle, and that portion of said premises condemned for widening of Fourth Avenue in King County Superior Court Cause No. 50320, as provided by Ordinance No. 13074 of the City of Seattle.

Section 10.

Notice of the contamination described herein, shall be provided by WAC 73-340-440(8)(b)(ii).

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 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 January 3, 2011, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The physical aspects of the remedy appear in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a parking garage. 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 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 is contained and controlled.

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. 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, this does not appear to affect this Site, and 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-	200	2000	NL	500
Diesel				
TPH-Oil	200	2000	NL	500

NL = None listed

3.4 Current and projected Site use

The Site is currently used for commercial 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.

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; however, the cleanup action has been determined to comply with cleanup standards since 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 by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy 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.

5.0 **REFERENCES**

Environmental Site Assessment
 1001 4th Avenue Plaza
 B & C, dated October 24, 1991

2. Site Characterization ReportTrammell Crow Company1001 Fourth AvenueSeattle, WashingtonATC Environmental, Inc., dated May 14, 1996

3. Additional Subsurface-Investigation1001 Fourth AvenueSeattle, WashingtonATC Environmental, Inc., dated February 25, 1997

4. Underground Storage Tank
Site Assessment Report
1001 Fourth Avenue Plaza
Seattle, Washington
ATC Environmental, Inc., dated November 19, 1998

5. Cleanup Action Report,1001 Fourth Avenue Plaza UST ReleasesFloyd Snyder McCarthy, Inc., dated March 26, 2003

6. 2003 Restrictive Covenant;

7. Ecology, 2010 Site Visit.

6.0 APPENDICES



6.2 Site Plan



6.3 TPH-Dx Concentration Map



Washington Department of Ecology

6.4 Environmental Covenant

AFTER RECORDING RETURN TO:

CONFORMED COPY

Donald J. Verfurth, Esq. CARNEY BADLEY SPELLMAN, P.S. 700 Fifth Avenue, Suite 5800 Seattle, WA 98104-5017

20031024001172 COV 24.00 PAGE 001 OF 005 10/24/2003 11:55 KING COUNTY, WA

Document Title(s): (or transactions contained therein) 1. RESTRICTIVE COVENANT — SEAFO, INC. – 1001 FOURTH AVENUE PLAZA

Reference Number(s) of Documents assigned or released:

Not applicable

[] Additional numbers on page of document

Grantor(s): (Last name first, then first name and initials) 1. SEAFO, Inc.

[] Additional names on page of document

Grantee(s): (Last name first, then first name and initials) 1. C.D. Boren's Addition to the City of Seattle

2. The public

[] Additional names on page of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/ quarter/ quarter)

Lots 1 through 8, inclusive, Block 20, C.D. Boren's Addition to the City of Seattle, according to the plat thereof recorded in Volume 1 of Plats, page 25, in King County, Washington.

[X] Complete legal description is on pages 4-5 of document

Assessor's Property Tax Parcel/Account Number(s):

763420-0005-00

NOTE: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

RESTRICTIVE COVENANT

SEAFO, INC.

1001 FOURTH AVENUE PLAZA

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

An independent Remedial Action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrict Covenant. The Remedial Action conducted at the property is described in the following documents: Voluntary Cleanup Program, Site Summary Form and Cleanup Action Report dated March 26, 2003, prepared by Floyd, Snyder McCarthy, Inc. 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 TPH-G and BTEX which exceed the Model Toxics Control Act Method A for residential cleanup levels for soil established under WAC 173-340-900 (Table 740-1).

The undersigned, SEAFO, Inc. is the fee owner 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 below.

SEAFO, INC. makes the following declarations as to limitations, restrictions, and uses to which the property may be put and specifies that such declaration 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 or interest in the Property (hereafter "Owner").

Section I.

A portion of the Property contains soil contaminated by petroleum hydrocarbons, benzene, toluene, ethyl benzene and total xylenes below 15 feet in the portion of the Property under Madison Street, as well as under the sidewalk adjoining the Fourth Avenue Plaza Building along Madison Street. The Owner shall not 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. 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. Examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond it loadbearing capacity, 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) days 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 unless the purchaser agrees to abide by the requirements of the No Further Action letter issued by the Washington State Department of Ecology and this Restrictive Covenant.

Section 5.

The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant.

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 purposes of evaluating the Remedial Action; to take samples, to inspect Remedial Actions conducted at the Property and to inspect records that are related to the Remedial Action.

Section 8.

The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Section 9.

Nothing in this Restrictive Covenant shall affect the City of Seattle's ownership, management or police power authority over the Madison Street right-of-way and the soil beneath it, as more fully described as: Right in the general public, to use for street purposes, that portion of said premises lying within the right -of-way of Third Avenue, Fourth Avenue, Spring Street, and Madison Street, as dedicated in the plat of C.D. Boren's Addition to the City of Seattle, according to plat recorded in Volume 1 of Plats, page 25, records of King County, Washington, and that portion of said premises condemned for widening of Third Avenue in King County Superior Court Cause No. 54134, as provided by ordinance No. 14345, of the City of Seattle, and that portion of said premises condemned for widening of Fourth Avenue in King County Superior Court Cause No. 50320, as provided by Ordinance No. 13074 of the City of Seattle.

Section 10.

Notice of the contamination described herein, shall be provided by WAC 173-340-440(8)(b)(ii).

SEAFO, INC.

By: STEVEN W. Brunette Date: 10/24/03

SEAFO, INC. In care of Carney Badley Spellman, P.S. 700 Fifth Avenue, #5800 Seattle, Washington 98104

RESTRICTIVE COVENANT

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

Legal Description:

 File No.:
 02-3706-5108WA

 Commitment No.:
 0170951

Lots 1 through 8, inclusive, Block 20, C.D. BOREN'S ADDITION TO THE CITY OF SEATTLE, according to the Plat thereof recorded in Volume 1 of Plats, Page 25, in King County, Washington;

TOGETHER WITH the vacated alley in said Block 20, as vacated by Ordinance No. 94504 of the City of Seattle;

TOGETHER WITH that portion of Fourth Street (now known as Fourth Avenue) as shown on said plat, lying Southwesterly of the centerline of said Fourth Avenue between the center lines of Spring Street and Madison Street; and

TOGETHER WITH that portion of Third Street (now known as Third Avenue) as shown on said plat, lying Northeasterly of the centerline of said Third Avenue between the center lines of Spring Street and Madison Street; and

TOGETHER WITH that portion of Spring Street, as shown on said plat lying Southeasterly of the centerline of said Spring Street between the center lines of Third Avenue and Fourth Avenue; and

TOGETHER WITH that portion of Madison Street, as shown on said plat, lying Northwesterly of the centerline of said Madison Street between the center lines of Third Avenue and Fourth Avenue, and including improvements affixed thereto which by law constitute real property; said premises being more particularly described as follows:

Beginning at the intersection of the centerlines of Third Avenue (formerly Third Street) and Madison Street, as said streets are shown on the Plat of C.D. Boren's Addition to the City of Seattle, according to the Plat thereof recorded in Volume 1 of Plats, Page 25, in King County, Washington;

THENCE North 30 degrees 36 minutes 27 seconds West along the centerline of said Third Avenue, 305.98 feet to the intersection of the centerline of said Third Avenue with the centerline of Spring Street, as said street is shown on said plat; THENCE North 59 degrees 23 minutes 36 seconds East, along the centerline of said Spring Street, 321.98 feet to the intersection of the centerline of said Spring Street with the centerline of Fourth Avenue (formerly Fourth Street) as said street is shown on said plat;

THENCE South 30 degrees 36 minutes 12 seconds East along the centerline of said Fourth Avenue, 306.00 feet to the intersection of the centerline of said Fourth Avenue with the centerline of said Madison Street;

THENCE South 59 degrees 23 minutes 49 seconds West along the centerline of said Madison Street to the intersection of the centerline of said Madison Street with the centerline of said Third Avenue, and the true point of beginning;

EXCEPT THEREFROM those skybridge improvements (and all rights appurtenant thereto) affixed thereto on the Northwesterly face of the building and extending Northwesterly over said premises and the right-of-way for Spring Street, said premises having been subjected to the provisions of the Horizontal Property Regimes Act (Condominiums), Chapter 156, Laws of 1963 (RCW 64.32) as the below named condominium, including all of the apartments therein, intended only for the stated use, according to survey map and set of plans recorded as noted, and according to condominium declaration recorded as noted:

TOGETHER WITH a 100.0 percentage of undivided interest in the common areas and facilities appertaining to all of said apartments, and;

TOGETHER WITH the use of those limited common areas and facilities, if any, appertaining to each of said apartments:

Condominium: Head office building of Seattle-First National Bank; Use: Commercial Volume/Page(s) of condominiums, in King County, Washington; Volume 3, Pages 71 through 116, inclusive; Survey Maps and Plans Recording No. 7112300486; Declaration Recording No.: 7112300487 and 7203160538.

Situate in the County of King, State of Washington.

Tax Parcel I.D. #: 763420-0005-00

6.5 Photo log



Photo 1: Current name of building with address - from the Madison and Third entrance

Photo 2: USTs were removed on this side - photo from across Third





Photo 3: Another UST was on this side at lower left - from the south across Madison