

PERIODIC REVIEW

Trillium Corporation, Parcel B-2, now known as ActivSpace Facility Site ID#: 74986384

700 Northwest 42nd Street, Seattle, Washington

Northwest Region Office

TOXICS CLEANUP PROGRAM

August 2010

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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 Trillium Corporation, Parcel B-2 (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 Independent Remedial Action Program (IRAP). The cleanup actions resulted in concentrations of lead and petroleum 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 property formerly known as Trillium Corporation Parcel B-2 now appears to be known as ActivSpace, and the property taxes are paid by Workshops Seattle Ballard, LLC. The address is 700 Northwest 42nd Street, Seattle, Washington. Ecology records appear to have referred to the Site as Trillium Corporation Parcel 32 for a time, but that should be corrected.

2.2 Site Investigations and Sample Results

Environmental Partners, Inc. (EPI) completed a Phase II Environmental Assessment of the property located on the northwest corner of the intersection of 7th Avenue Northwest and Northwest 42nd Street in Seattle, King County, Washington. The Phase II sampling activities described below occurred on Tuesday, March 28, and Wednesday, March 29, 1995. The March 1995 field work has been conducted on behalf of PENTAS, owners of the property. It should be noted that EPI conducted a Phase I Environmental Site Assessment of the property on behalf of Pioneer Masonry Restoration Company, Inc. in December of 1994. EPI determined at that time that ATEC Environmental Consulting Services (ATEC) had studied the property and an adjoining parcel in December of 1993 to assess potential subsurface environmental impacts from former activities located at these properties. ATEC's investigation included the installation of two permanent groundwater monitoring wells (MW-4 and MW-5) on the property.

Based on the results of EPI's Phase I Environmental Assessment, EPI conducted a limited Phase II Environmental Assessment of the property to augment and clarify ATEC's sampling results. Specifically, EPI sampled monitoring wells MW-4 and MW-5, collected three shallow soil samples along the western property boundary, and obtained one subsurface soil sample from drill cuttings produced when a geotechnical soil boring was installed on-Site by Geotech Consultants. Analytical parameters for groundwater samples collected during this phase of field work included total petroleum hydrocarbons (TPH) and dissolved antimony, arsenic, beryllium, selenium, lead, and thallium. The four soil samples were analyzed for TPH. EPI submitted a summary report for these sampling activities on January 23, 1995. Analytical results reported in the January 23, 1995 summary report show that dissolved arsenic, beryllium, and lead concentrations were identified in groundwater in excess of applicable Washington Model Toxics Control Act (MTCA) cleanup levels. Additionally, the soil sample collected from the geotechnical boring showed TPH concentrations of 140 parts per million (ppm) for diesel range constituents and 840 ppm for heavy oil range constituents. The MTCA cleanup standard for diesel and heavy oils is 200 ppm. Soil samples collected along the western property boundary did not show TPH concentrations exceeding MTCA standards.

EPI's most recent investigation was designed to identify the extent of petroleum contaminated soils, and to determine whether the source of arsenic, beryllium, and lead identified in ground-water is located on the property, or is attributable to an off-property source. The field work conducted on March 28, and March 29, 1995 included the collection of groundwater samples

from existing, on-Site monitoring wells MW-4 and MW-5, the collection of additional groundwater samples from five temporary monitoring wells installed using a Stratoprobe sampling vehicle, and the collection of composite soil samples from five on-Site test pits. Additionally, the elevations of the well casings at MW-4 and MW-5, as well as the elevation of a temporary well casing installed immediately to the east of the property, were surveyed so that the approximate direction of ground-water flow could be determined. Based on elevation measurements, it appears that groundwater flows in a general westerly direction beneath the property.

Analytical parameters for groundwater samples collected included total suspended solids (TSS) and dissolved and total arsenic, beryllium, and lead. A groundwater sample collected from temporary monitoring well MW-8 was analyzed for TPH using the Hydrocarbon Identification (HCID) screening technique in addition to the analysis of the above listed metals.

EPI collected groundwater samples from five temporary monitoring well sampling locations (MW-6 through 10) on March 28, 1995. Two of these samples were collected from sampling points located on the property; the remaining three groundwater samples were collected from off-Site sampling points. These additional samples were collected using a Stratoprobe sampling vehicle.

EPA sampled existing monitoring wells MW-4 and MW-5 on March 29, 1995. There was a question regarding the detection limit of beryllium. The laboratory's Mr. Harris reported that analyses using low detection limits are significantly influenced by other factors, such as dissolved solids or other foreign debris that may be present in the sample volume. He also stated that beryllium is usually present in groundwater samples at concentrations exceeding the MTCA Method B carcinogenic level. It should be noted that the MTCA Method B non-carcinogenic risk-based standard is 0.08 ppm; all of the reported concentrations of beryllium fall below the non-carcinogenic standard. An additional sample was submitted from temporary monitoring well MW-8 for analysis of TPH. No petroleum hydrocarbons were detected in the gasoline, diesel, or heavy oil ranges.

Applicable MTCA cleanup levels for total arsenic were exceeded in samples collected at MW-5, MW-6, MW-7, and MW-8. The most significant of these exceedences occurred at MW-7, where the reported sample concentration is twice as high as the MTCA Method A standard. Total beryllium concentrations in samples collected at MW-4 and MW-8 exceeded the MTCA Method B carcinogenic risk-based standard for beryllium. Both reported levels are significantly below the MTCA Method B non-carcinogenic risk-based standard for beryllium. Total lead concentrations in samples collected at MW-4, MW-5, and MW-8 exceeded the MTCA Method A cleanup level for lead. It should be noted that the exceedences of MTCA cleanup levels in samples collected at MW-8 correspond with the highest TSS concentrations reported for this project, which indicates that these metals are present in sediment in the groundwater. The arsenic levels at MW-6 and MW-7 do not appear to coincide with especially high TSS values. None of the concentrations reported for the analysis of dissolved arsenic, beryllium, and lead exceed applicable MTCA standards. Because suspended solids were filtered from the sample volumes (in the laboratory, not in the field as required by MTCA regulations) prior to analysis of dissolved arsenic, beryllium, and lead, the absence of significant dissolved

concentrations of these constituents appears to provide further evidence that these metals are associated with sediments present in groundwater. Although total arsenic and total lead were identified in samples MW-9 and MW-10, the concentrations of these constituents fall below MTCA cleanup levels; none of the target analytes were identified in "dissolved" samples collected at these locations. Based on these results, significant arsenic, beryllium, and lead concentrations do not appear to be migrating onto the property via groundwater from off-Site, up-gradient sources.

EPI contracted Aspen Environmental, Ltd. to provide an operator and backhoe to excavate five on-Site soil test pits. This work was performed on March 29, 1995. Each pit was excavated to a depth of approximately 4.5 to 5 feet below ground surface (bgs), which was found to correspond with the depth to the water table at most sampling locations. At each location, EP1 collected a composite sample from approximately two feet bgs and another composite sample from just above the water table. A total of ten soil samples were submitted for analysis of arsenic, beryllium, lead, and TPH. TPH analysis was performed using the HCID screening technique. Two additional soil samples were analyzed for Toxicity Characteristic Leaching Procedure (TCLP) metals to determine the potential for metals present in on-Site soils to migrate to groundwater. All samples collected during the March 1995 sampling round were submitted to Analytical Resources, Inc. (ARI) of Seattle, Washington for analysis.

Heavy oil-range petroleum hydrocarbons were identified in samples collected at Pit 2 and Pit 3 at concentrations exceeding the MTCA Method A cleanup level of 200 ppm. Other, less significant concentrations of diesel range and heavy oil range constituents were identified at other sample locations. It should be noted that EPI collected a soil sample from a geotechnical boring installed by Geotech Consultants in January of 1995; this sample showed heavy oil-range constituents at a concentration of 840 ppm at approximately 5 feet bgs. Based on TPH analysis conducted during previous groundwater sampling, as well as during the current investigation, TPH contamination has not been identified in groundwater at the property. Consequently, it does not appear that petroleum contaminated soils identified at the property have adversely impact groundwater at the Site. The arsenic concentration identified in Pit 1/2-4 exceeds the MTCA Method A cleanup level of 20 ppm. Beryllium concentrations in all soil samples (except Pit 5/2, where beryllium was not detected) fall between the MTCA Method B carcinogenic risk-based standard of 0.0233 ppm and the non-carcinogenic risk-based standard of 400 ppm. It should be noted that the highest beryllium concentration of 9.9 ppm (Pit 1/2-4) is well below the 400 ppm noncarcinogenic standard. Lead concentrations identified in samples Pit 2/2-4, Pit 2/4-5, Pit 3/2-4, and Pit 4/2 exceed the MTCA Method A cleanup level for lead. The lead result for sample Pit 4/2 (4720 ppm) is substantially higher than a deeper sample taken at the same pit location. EPI contacted Ecology Northwest Regional Office to determine natural "background" concentrations of arsenic, beryllium, and lead in soils. It was reported that arsenic ranges between 1 and 10 ppm in the State of Washington. Background beryllium concentrations are typically below 1 ppm. Background lead concentrations state-wide range between 2 and 20 ppm. Based on the above-stated background levels for arsenic, beryllium, and lead, it appears that most of the arsenic and beryllium concentrations reported for this project fall within the ranges reported. Exceptions occur at Pit 1/2-4, where arsenic is present at 22 ppm and beryllium was identified at 9.9 ppm. Soil samples from Pits 1, 2, 3, and 4 contained lead concentrations that fall

outside of the range of natural lead concentrations identified within the State of Washington. As a result, the lead concentrations identified at these on-Site sampling locations do not appear to be naturally occurring.

EPI noted small to moderate quantities of trash at several pit locations. Trash materials identified during the excavation of these pits included old glass bottles, a rusty shovel head, an old boot sole, and wood debris. These materials appear to have been imported to the Site in fill dirt dumped on-Site and are not believed to be the result of on-Site solid waste disposal. The most significant quantities of trash were noted in Pits 2, 3, and 4. EPI collected additional samples from Pit 2 and Pit 4 for analysis of TCLP metals to determine whether inorganic contaminants present in soils at these locations could leach to groundwater. The results of these analyses suggested that metals, particularly arsenic, barium, cadmium, and lead, may leach from soil at low concentrations. The TCLP analysis at Pit 4 may suggest a potential source of arsenic and lead identified in groundwater at monitoring well MW-5, as this soil sampling location is directly up-gradient of the monitoring well. It should be noted that these TCLP samples indicate that on-Site soils are not considered a hazardous waste (due to toxicity) under the Resource Conservation and Recovery Act (RCRA).

2.3 Cleanup Actions

EPI concluded a round of groundwater and soil sampling at the property, vacant at the time The Phase II sampling activities occurred on Tuesday, March 28, and Wednesday, March 29, 1995. The analytical results obtained for groundwater samples collected during this phase of sampling indicate that the source of metals identified in on-Site groundwater monitoring wells during previous sampling events may be attributable to sediment carried by groundwater. Analysis of dissolved arsenic, beryllium, and lead during the investigation showed concentrations of these constituents either below laboratory detection limits, or below applicable MTCA standards. Furthermore, there is some correlation between high "total' metals concentrations and high total suspended solids levels in groundwater. Because these metals are attributable to sediment rather than the groundwater itself, and due to the fact that groundwater at the property is not used for human consumption, EPI believed that the metals identified during this investigation did not appear to represent a significant environmental concern. While this may be true, it should be pointed out that the filtering of the samples to show the level of dissolved metals was done in the laboratory, contrary to MTCA regulatory requirements to filter the samples in the field.

Soil sampling conducted during March 1995 indicates that the source of metals identified in on-Site groundwater may be fill materials that have been imported to the Site. These fill materials were also observed to contain a small to moderate quantity of non-hazardous trash at several sample locations. It should be noted that EPI identified an anomalously high lead content in a sample obtained from Pit 4. Most of the identified arsenic and beryllium concentrations fail within ranges that are consistent with natural, or background levels of these metals. However, several of the lead concentrations identified by this project appear to be significantly higher than naturally occurring levels. Soils on the eastern portion of the property appear to be contaminated with diesel and heavy oil range petroleum hydrocarbons; some sample locations showed concentrations of heavy oil range petroleum hydrocarbons in excess of MTCA cleanup levels. There apparently was no analytical evidence that petroleum contaminated soils have adversely impacted groundwater at the property.

EPI has determined that groundwater flows in a general westerly direction beneath the property. Groundwater samples collected up-gradient of the property indicate that target metals are not being transported to the property from off-Site sources via groundwater. This further supports EPI's contention that the source of metals identified in groundwater on the property is fill material currently present on-Site.

There is no record in Ecology files of further excavation or active cleanup. The contaminated soil was contained, controlled, and/or isolated to provide protectiveness to humans. Ecology issued a 'No Further Action' (NFA) letter on November 7, 1997, after a restrictive covenant was recorded with the county.

2.4 Cleanup Levels

MTCA Method A cleanup levels were used to establish conditional points of compliance for soil, and groundwater apparently was determined to be unaffected .

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 1997 which imposed the following limitations:

Section 1. The Property may be used only for commercial/industrial purposes as defined in and allowed under the City of Seattle s zoning regulations codified in the Seattle City Code as of the date of this Restrictive Covenant. No groundwater may be taken for domestic purposes from any well at the Property.

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 that may result in a release, exposure, 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 or to a successor agency of the Owners intent to convey any interest in the Site. No conveyance of title, easement, lease, or other interest in the Site shall be consummated by the Property Owner without adequate and complete provision for continued maintenance of the Remedial Action as described in the Independent Remedial Action Report.

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

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

Section 7. The Owner shall allow authorized representatives of Ecology or its successor agency the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property and the Owner's assigns and successors in interest reserve 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 an instrument may be recorded only with the consent of Ecology or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.

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 August 25, 2010, the building and asphalt cover (remedy) at the Site continue to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is operating as a commercial building. A photo log is available as Appendix 6.5.

Soils with TPH and metals 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 (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-	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 for the most part except for beryllium. EPI contacted the laboratory ARI concerning the method detection limit for beryllium analysis; the detection limit that ARI was capable of producing was significantly higher than the MTCA Method B (carcinogenic) risk-based standard. Mr. Mark Harris of ARI stated that he was aware of ICP Mass Spec equipment that was capable of producing detection limits of 20 parts per trillion (ppt), but was not aware of laboratory facilities in the Seattle area that possessed such equipment. 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**

Ecology, 2010 Site Visit;

1997 Restrictive Covenant;

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Phase II Environmental Site Assessment, 7th Ave. NW and NW 42nd St., dated April 17, 1995, by Environmental Partners, Inc.;

Phase II Environmental Site Assessment, Salmon Bay Sand and Gravel Co., dated December 16, 1993, by ATEC;

Preliminary Environmental Assessment, Glacier Park Co. Leary Ave. Property, dated December 22, 1989, by HartCrowser.

6.0 APPENDICES



General Vicinity Map Parcel B-2 of Ross Home & Fern Addition 7th Avenue NW and NW 42nd Street Seattle, Washington



Scale: 1' = 2,083'

Source: U.S.G.S. 7.5' Topographic Quadrangle Map Seattle North, Washington 1983





6.3 TPH Location Map





6.4	Env	vironmental Covenant
	W.C.W.	
ALC: NOT	a de la calencia de l	Return Address:
		Environmental Patieri Inc. 10940 NE 33- Place Suite NO Bellevie WA 98/19
		WUMAR .
		Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet
		Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled
	ŧ	1. Restrictive Govenant
	2704	
	80	Reference Number(s) of Documents assigned or released;
	16	Additional reference #'s on page of document
13.00	8. 1.	Grantor(s) (Last name first, then first name and initials) 1. Trillivin Corpore firm 2. 3. 4. Additional names on nace (of document)
		Grantee(s) (Last name first, then first name and initials)
RECORDS DOG CC		1. 2. 3. 4. Additional names on page of document,
ALM		Legal description (abbreviated: i.e. lot, block, plat or section, township, range)
KING COI		Additional legal is on page 5 of document.
		Assessor's Property Tax Parcel/Account Number
10:09:0		Assessor Tax # not yet assigned
370807-0434		The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

RESTRICTIVE COVENANT

Trillium Corporation Parcel B-2

An independent remedial action occurred at the property that is the subject of this Restrictive Covenant. The action undertaken to remediate the property (hereafter referred to as the "Remedial Action") is described in the following report: Independent Remedial Action Report Parcel B-2, prepared by John Kane of Environmental Partners, dated August 14, 1996.

This document is on file at the State of Washington Department of Ecology's (Ecology) Northwest Regional office.

This restrictive covenant is required by WAC 173-340-440 because the independent Remedial Action resulted in residual concentrations of lead which exceed the Model Toxics Control Act Method A Residential standard cleanup level(s) for soil established under WAC 173-360-745.¹

The undersigned, Trillium Corporation, is the fee owner (Owner) of real property (hereinafter referred to as the "Property") in the County of King, State of Washington, that contains residual concentrations of hazardous substances as described above. The Property is legally described in Attachment A of this covenant and made a part hereof by reference.

Trillium Corporation 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.

¹ Method A Industrial Cleanup Levels were used for the Cleanup at this property. The Cleanup Action that occurred at the Property meets these Method A Industrial Cleanup Levels.

<u>Section 1</u>. The Property may be used only for commercial/industrial purposes as defined in and allowed under the City of Seattle's zoning regulations codified in the Seattle City Code as of the date of this Restrictive Covenant. No groundwater may be taken for domestic purposes from any well at the Property.

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.

<u>Section 3</u>. Any activity that may result in a release, exposure, 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, or to a successor agency, of the Owner's intent to convey any interest in the Site. No conveyance of title, easement, lease, or other interest in the Site shall be consummated by the Property Owner without adequate and complete provision for continued maintenance of the Remedial Action as described in the Independent Remedial Action Report.

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

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

Section 7. The Owner shall allow authorized representatives of Ecology, or its successor agency, the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action

Section 8. The Owner of the Property and the Owner's assigns and successors in interest reserve 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 an instrument may be recorded only with the consent of Ecology, or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.

Dated 9

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STEVE BRINN President, Trillium Corporation

9708270434

STATE OF WASHINGTON).)ss. ING COUNTY OF) I certify that I know or have satisfactory evidence that Steve Brinn is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Trillium Corporation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument. tugust Dated: adal Notary Public SIDDAL Print Name 111111 **My Commission Expires** 21 44₁₉ 9708270434



6.5 Photo log



Photo 1: Building now located on former Trillium Parcel B-2 - looking northwest

Photo 2: Office for ActivSpace, showing address over the door



Photo 3: Building - from the north



Photo 4: The alley west of the building – from the south

