



PERIODIC REVIEW

**Murray Heike Warehouse
Facility Site ID#: 8257809**

**3408 West Belfair Valley Road,
Bremerton, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

October 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 Murray Heike Warehouse (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 and lead 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 Site consists of a 0.67-acre property improved with a 1,568 square-foot residence and two metal warehouse buildings. This Site is recorded in King County records as tax parcels 322401-1-098-2000 and 322401-1-097-2000 and has been assigned an address of 3408 West Belfair Valley Road, Washington 98312.

The Site is located at an elevation of approximately 10 feet above sea level. The Site resides on a glacial outwash terrain reworked by fluvial processes. The depth to regional ground water in the subject area is approximately two and a half to four feet below the ground surface (bgs). Based regional topography, the ground water gradient in this area is estimated to be southeast, towards nearby Sinclair Inlet.

The underground storage tanks (USTs) were decommissioned and filled with slurry c. 1982.

2.2 Site Investigations and Sample Results

A Limited Phase II Environmental Assessment was completed to investigate the potential for any petroleum range hydrocarbon contamination possibly present on the property. Six borings were drilled in an attempt to determine if hydrocarbon contamination had impacted the property. Any possible contamination on the Site would relate to gasoline and diesel USTs and product pump located on the property. Borings were drilled to the soil/ground water interface at approximately two and a half feet below ground surface (bgs). Borings were extended to six feet bgs in order to collect representative ground water samples.

Saltbush personnel were on-Site on February 6, 2003, to conduct field monitoring and ground water and soil sampling of borings completed on the Site. A Strataprobe (direct push hydraulic drilling rig) was used to place four borings adjacent to known USTs, one boring adjacent to the pump island and one boring 20 feet down-gradient of the USTs. The borings were located in a manner to assess the potential presence of lead, gasoline, diesel, and oil range petroleum hydrocarbon contamination in the subsurface soils and shallow ground water. The borings were continuously sampled, making characterization of the soil profile complete to a depth of three feet. The ground water interface was encountered in the borings at approximately two and one half feet bgs. A total of 14 samples were collected and all soil samples were field screened with a photoionization detector (PID) for the presence of gasoline and diesel. Select soil and water samples were submitted for laboratory analysis. The four soil and seven water samples analyzed were selected based on review of the boring logs to best represent the subsurface conditions on the Site. Analysis was conducted for lead, using the EPA 7000 Series Method, gasoline, diesel, and heavy oil range petroleum hydrocarbons using the EPA 8021B method. The soil samples analyzed were collected from a depth of zero to three feet bgs. The ground water samples were collected from a depth of three to six feet bgs. The eleven samples were submitted for laboratory analysis as noted above.

Soils encountered during the drilling of soil borings reflect wet, brown to dark brown sandy gravel fill material to a depth of approximately one foot bgs, with a well sorted brown-gray, fine to medium grained silty clayey sand below this depth. Isolated lenses of silty clay and gravel were observed in several borings at various depths.

No visual or olfactory evidence of petroleum hydrocarbon contamination was noted in borings BH-5 and BH-6. Gasoline range hydrocarbon odor was noted in borings BH-1, BH-2, BH-3, and BH-4. The PID indicated low concentrations of volatile hydrocarbons in the soil samples from these borings, indicating the contamination was likely weathered. No sheen was observed in any of the ten water samples collected; however, a sheen was noted in the purge water collected from borings BH-1, BH-2, BH-3, and BH-4.

Table 1: Soil Sample Results for Gasoline, Diesel and Heavy Oils (mg/Kg)

Sample ID/ Boring	Gasoline	Diesel	Heavy Oil	Mineral Oil
BH1	Nd	Nd	Nd	Nd
BH2	-	-	-	-
BH3	Nd	Nd	120	Nd
BH4	Nd	600	180	Nd
BH5	Nd	Nd	Nd	Nd
BH6	-	-	-	-
2001 MTCA Cleanup Standards	30	2,000	2,000	2,000

Nd indicates analytes were not detected above the laboratory method detection limit.
 - indicates sample was not analyzed.

Laboratory Test Results are located in Appendix 3.

Table 2: Soil Sample Results for BTEX: Benzene, Toluene, Ethylbenzene and Xylenes (mg/Kg)

Sample ID/ Boring	Benzene	Toluene	Ethylbenzene	Xylenes
BH1	Nd	Nd	Nd	Nd
BH2	-	-	-	-
BH3	Nd	Nd	Nd	Nd
BH4	Nd	Nd	0.08	Nd
BH5	Nd	Nd	Nd	Nd
BH6	-	-	-	-
2001 MTCA Cleanup Standards	0.03	7	6	9

Nd indicates analytes were not detected above the laboratory method detection limit.
 - indicates sample was not analyzed.

Laboratory Test Results are located in Appendix 3.

Table 3: Water Sample Results for Gasoline, Diesel and Heavy Oils (ug/L)

Sample ID/Boring	Gasoline	Diesel	Heavy Oil	Mineral Oil
BH1-W	Nd	Nd	Nd	Nd
BH2-W	Nd	Nd	Nd	Nd
BH3-W	1,700	Nd	Nd	Nd
BH4-W	5,100	1,700	Nd	Nd
BH5-W	Nd	Nd	Nd	Nd
BH6-W	Nd	Nd	Nd	Nd
2001 MTCA Cleanup Standards	800	500	500	-

Nd indicates analytes were not detected above the laboratory method detection limits.
 Laboratory Test Results are located in Appendix 3.

Table 4: Water Sample Results for BTEX: Benzene, Toluene, Ethylbenzene and Xylenes (ug/L)

Sample ID/Boring	Benzene	Toluene	Ethylbenzene	Xylenes
BH1-W	Nd	Nd	Nd	Nd
BH2-W	Nd	Nd	Nd	Nd
BH3-W	70	44	96	14
BH4-W	43	14	430	62
BH5-W	Nd	Nd	Nd	Nd
BH6-W	Nd	Nd	Nd	Nd
2001 MTCA Cleanup Standards	5	1,000	700	1,000

Nd indicates analytes were not detected above the laboratory method detection limit.
 Laboratory Test Results are located in Appendix 3.

Table 5: Soil and Water Sample Results for Lead (Soil-mg/Kg and Water-ug/L)

Sample ID/Boring	Lead	Sample Media
BH1	Nd	Soil
BH2	-	Soil
BH3	Nd	Soil
BH4	Nd	Soil
BH5	18	Soil
BH6	-	Soil
BH1-W	295	Water
BH2-W	194	Water
BH3-W	6.48	Water
BH4-W	13.9	Water
BH5-W	449	Water
BH6-W	85.1	Water
2001 MTCA Cleanup Standards	Soil-250/Water-15	

Nd indicates analytes were not detected above the laboratory method detection limit.
 - indicates sample was not analyzed.
 Laboratory Test Results are located in Appendix 3.

The preceding tables summarize the analytical results for the samples collected. Samples were chosen for analysis based on location and depth in an attempt to accurately represent the subsurface soils and shallow groundwater at the Site. Groundwater samples BH-3W and BH-4W contained concentrations of gasoline and benzene above the applicable August 2001 Washington MTCA Method A cleanup levels. BH-4W also contained concentrations of diesel above MTCA cleanup guidelines. Samples BH-1W, BH-2W, BH-5W and BH-6W contained concentrations of lead above the allowable MTCA limit for groundwater. None of the other samples analyzed exceeded applicable MTCA limits.

Robinson & Noble, Inc. collected additional groundwater samples on August 26, 2003 from nine locations at the Site. Samples were collected at the locations discussed with Nnamdi Madakor of the Washington State Department of Ecology using direct-push sampling techniques. The purpose of this additional study was to further evaluate the presence or absence of gasoline range petroleum hydrocarbons, benzene, toluene, ethylbenzene, and xylene (BTEX) at different points down-gradient from the location of two closed-in-place USTs. It should be noted that the closed tanks are likely bedded at or below the groundwater elevation.

Previous investigations conducted at the Site indicated the presence of localized contaminant concentrations above MTCA regulatory limits immediately adjacent to the abandoned tanks. However, these investigations did not establish the limits of the contaminant plume. The groundwater gradient across the Site was determined from continuous monitoring data collected from July 18-21, 2003. The average gradient, based on said monitoring, is easterly

ESN Northwest used their limited-access Strataprobe to drive stainless steel sampling rods to depths of approximately 7 to 10 feet at each probe location. Water samples were collected using a two foot long, temporary, stainless steel screen that was exposed to the sediments by pulling back the probe rod. Dedicated tubing was lowered into the screen and groundwater samples were drawn with a variable speed peristaltic pump. The water was pumped prior to sampling until most of the suspended sediment had been removed, though this was not possible in all cases. Upon the collection of each sample, the rods were pulled from the holes, and the holes were backfilled with granular bentonite. Samples were sent to a state accredited laboratory (Libby Environmental of Olympia, WA) for gasoline hydrocarbon and BTEX analysis using NWTPH-Gx and EPA 8021 B methods, respectively. Upon receipt of the laboratory analytical reports, the data was reviewed with respect to Washington State MTCA Method A Cleanup limits, previous Site data, and applicable quality assurance/quality control standards. No data quality concerns were noted during the review.

Sample concentrations reported by the laboratory were below MTCA Method A cleanup limits for all samples and analytes except for location P7, which was reported as having 5.5 micrograms per liter (ug/L) of benzene. This concentration marginally exceeds the applicable MTCA Method A benzene limit of 5.0 ug/L. This sample also contained gasoline range hydrocarbons at a concentration of 200 ug/L and minor concentrations of toluene, ethylbenzene, and xylene. Although greater than the laboratory detection limits, the concentration of these contaminants were all substantially below their respective MTCA Method A limits. Other

sample locations were also found to contain concentrations below the detection limits or low concentrations that did not exceed MTCA Method A limits.

2.3 Cleanup Actions

Based on the data presented above and the results of previous investigations at the Site, it appears that impact to soils and ground water on the Site related to the former operations of UST system are confined to the area immediately surrounding the abandoned-in-place UST system. This suggested that the saturated backfill surrounding the abandoned tanks is likely serving as a reservoir for the dissolved groundwater contaminants documented by this investigation. The environmental consultant theorized that the absence of a dispersed groundwater contaminant plume after more than 23 years of UST inactivity indicated that the contamination posed little migration risk to down-gradient areas.

Active remediation of this Site would be problematic considering the presence of ground water at or above the base elevation of the tanks and the closed-in-place nature of the UST system. Since the groundwater contaminants have not migrated significantly beyond the source, the use of institutional controls appears to be a viable option for closure of the Site.

It was the recommendation of the consultant that a No Further Action (NFA) Determination, subject to protective restrictive covenants, be requested from the Washington State Department of Ecology's Voluntary Cleanup Program. If in the future, planned changes in the use or configuration of the property would allow for the implementation of active remediation, it would be advisable to re-evaluate the Site with respect to the need for any additional remedial action. The consultant felt it is likely that contaminant concentrations will attenuate over time through naturally occurring chemical and biological degradation mechanisms, and any future actions should be based on data that is current at the time.

A NFA letter was issued by Ecology after a restrictive covenant was recorded with the county in 2003.

2.4 Cleanup Levels

MTCA Method A was used for comparison purposes to determine protectiveness, and to establish cleanup levels at the conditional point of compliance.

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 I. The Property contains residual concentrations of TPH gasoline benzene in soil that exceed the MTCA Method A soil cleanup levels under the concrete pad.

The Owner shall not alter, modify or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of residual TPH gasoline and benzene contaminated soil that was contained on site, or create a new exposure pathway without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. No groundwater may be taken from the Property for any use.

Section 3. Any activity on the Property that interferes with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 4. 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 5. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owners intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation and maintenance of the Remedial Action. The Owner conveying any interest in the Property shall notify Ecology of the name, mailing address, and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

Section 6. 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 7. 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 8. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect the remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 9. 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 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 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 October 13, 2010, the asphalt cover (remedy) at the Site continues 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 still a warehouse but possibly not operating. A photo log is available as Appendix 6.5.

Soils and groundwater with TPH and lead 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, and the groundwater is meeting a conditional point of compliance in the original UST excavation. 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. The earlier standards probably do not apply in this case anyway.

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 available to be 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 and groundwater 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 conditional points of compliance are being met, 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.

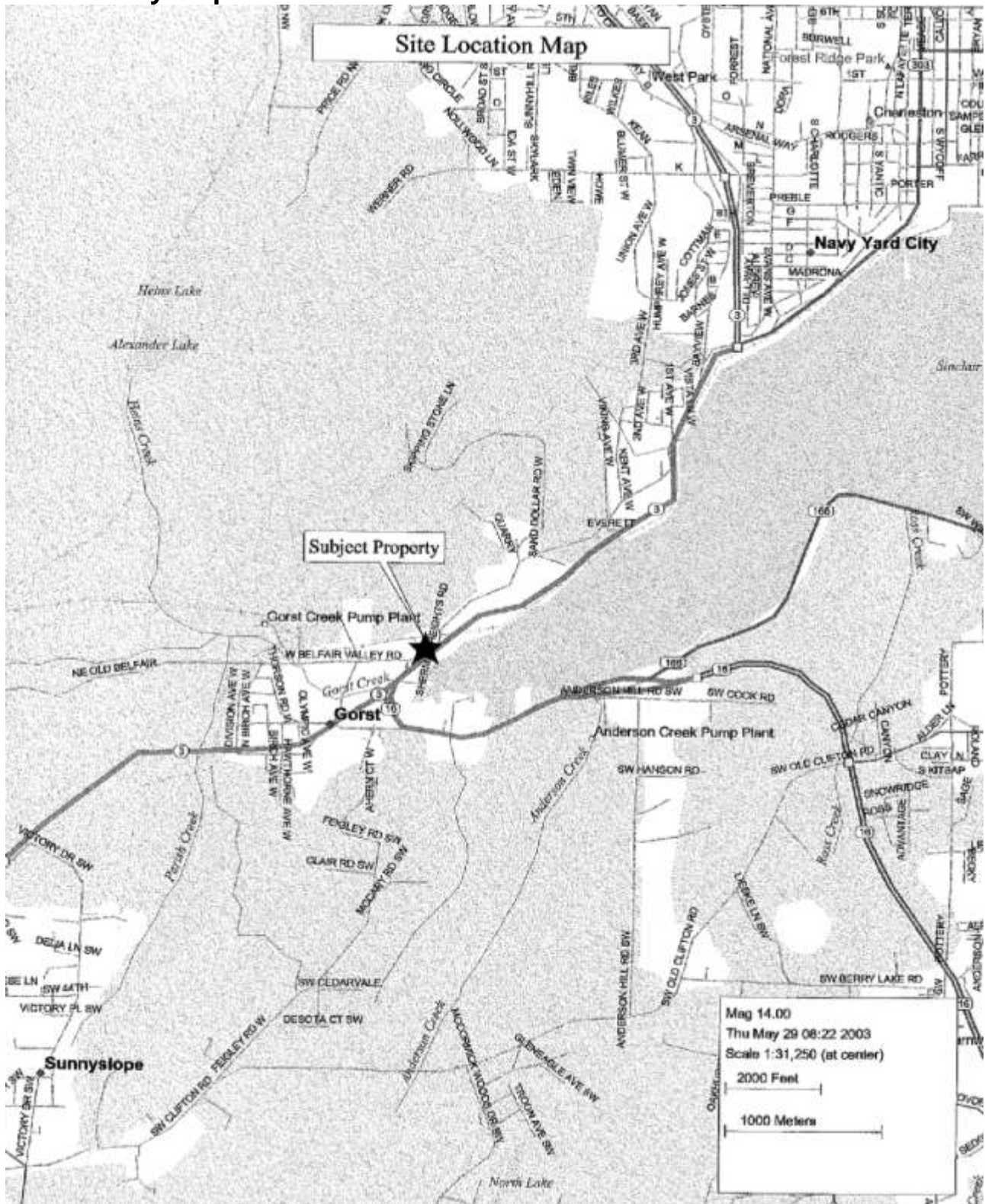
It appeared there was a monitoring well available near the UST excavation, which could be sampled to obtain current information on the condition of the groundwater.

5.0 REFERENCES

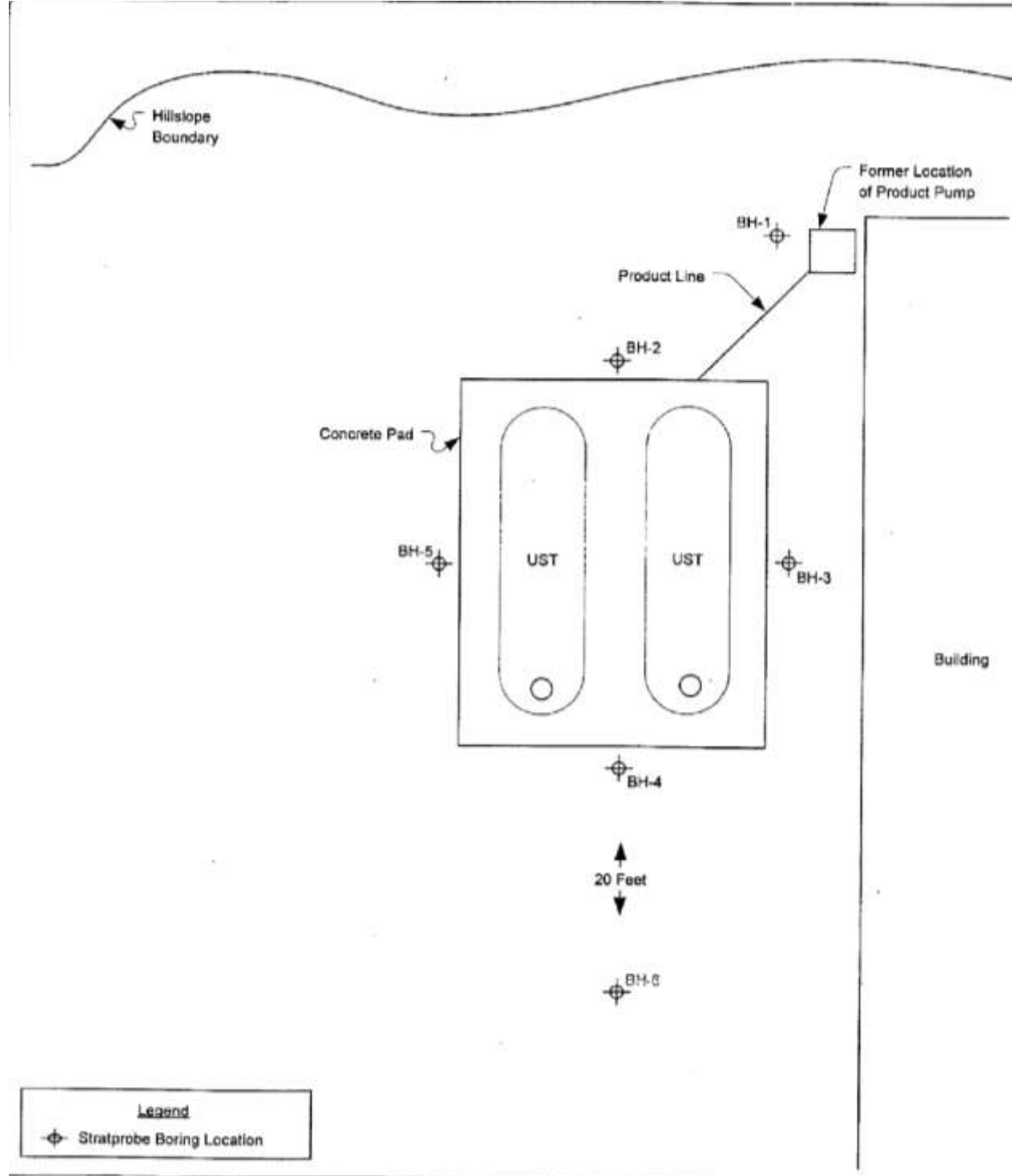
1. Remedial Investigation Limited Groundwater Assessment. The 3408 West Belfair Valley Road Project, Bremerton, WA 98312, by Saltbush Environmental Services, Inc. May 19, 2003. Project No. 030321534.
 2. Additional Subsurface Investigation at 3408 W. Belfair Valley Road, by Robinson Noble, Inc., September 12, 2003.
 3. Water Level Monitoring in Gorst, by Robinson Noble, Inc., July 31, 2003.
 4. Limited Phase II Site Assessment, 3408 West Belfair Valley Rd Site, by Saltbush Environmental Services, Inc., July 16, 2003 project number 1534-2
 5. Phase II Environmental Site Assessment Closed In-Place Underground Storage Tanks, 3408 West Belfair Valley Rd. Bremerton, WA 98312, by Saltbush Environmental Services, Inc., March 3, 2003. Project No. 0303121534.
- 200X Restrictive Covenant.
- Ecology, 2010 Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



Saltbush Environmental Services, Inc.
805 Pacific Avenue
P.O. Box 505
Tacoma, WA 98401-0505
Tel. (253) 383-1914 Fax (253) 383-4525
Operations@Saltbush.com

Sample Location Diagram
The 3408 West Belfair Valley Road Project
Bremerton, Washington 98312

6.3 TPH-Dx Concentration Map

not available

6.4 Environmental Covenant



Name and Full Address

Michael G. Murray
7393 Haynes Ln. N.E.
Bremerton, WA 98311

Please print in black ink neatly or type information.

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.

Document Title(s): RESTRICTIVE COVENANT

Additional reference #'s on page: _____

Reference Number(s) of related documents:

Grantor(s) Last Name, First Name, Middle Initials:

Michael G. Murray, Phyllis S. Murray, Dale A. Heike,
Susan J. Heike

Additional Grantors on Page: _____

Grantee(s) Last Name, First Name, Middle Initials:

Additional Grantee on Page: _____

Legal Description (abbreviated form: i.e. Plat name, lot, block, section, township, range, quarter/quarter).

Gov Lot 1, Section 32, Township 24 North, Range 1 East, W.M.
IN Kitsap County, Washington

Assessor's Property Tax Parcel/Account Number: 322401-1-098-2000,

322401-1-097-2001

I, _____, am requesting an emergency nonstandard recording for an additional fee of \$50.00 as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature: _____

RESTRICTIVE COVENANT

MURRAY/HEIKE WAREHOUSE

Murray/Heike Warehouse
3408 W. Belfair Valley Rd.
Bremerton WA 98312.

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440. Michael G. Murray, Phyllis D. Murray, Dale A. Heike, and Susan J. Heike, their successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

The Legal Description is as follows:

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT WHICH IS NORTH 88°04'50" WEST 507.19 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32; THENCE SOUTH 3°07'04" WEST 459.58 FEET TO THE NORTHERLY LINE OF NAVY YARD HIGHWAY; THENCE ALONG SAID NORTHERLY LINE SOUTH 71°14'00" WEST 100.59 FEET; THENCE NORTH 3°07'04" EAST 493.70 FEET; THENCE SOUTH 88°34'50" EAST 94.06 FEET TO THE POINT OF BEGINNING.

EXCEPT PORTION THEREOF LYING EASTERLY OF THE FENCE LINE ESTABLISHED AS THE BOUNDARY OF SAID PREMISES BY BOUNDARY LINE AGREEMENT EXECUTED MAY 28, 1943. BETWEEN WARREN G. TUTTLE AND SARRAH E. TUTTLE, HIS WIFE, CLAUD V. STONER AND KATHERINE L. STONER, HIS WIFE, JAY JONES, JANET JONES, MAX JONES AND CAROLINE JONES, RECORDED JUNE 2, 1943, UNDER AUDITOR'S FILE NO. 377111;

EXCEPT STATE HIGHWAY NO. 14;

EXCEPT ALL THAT PORTION THEREOF DEEDED TO UNITED STATES OF AMERICA FOR RAILROAD RIGHT-OF-WAY UNDER AUDITOR'S FILE NO. 418430

EXCEPT ALL THAT PORTION DESCRIBED IN DEEDS TO THE STATE OF WASHINGTON RECORDED MARCH 3, 1986 AND APRIL 17, 1986, UNDER AUDITOR'S FILE NOS. 8503030099 AND 9604170041; AND EXCEPT ALL THAT PORTION OF SAID PREMISES LYING EAST OF THE FOLLOWING DESCRIBED LINE;

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 32 BEARS NORTH 1°55'07" EAST 1342.45 FEET; THENCE NORTH 88°34'50" WEST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1, AT A DISTANCE OF 261.85 FEET; THENCE SOUTH 11°00'10" WEST 169.39 FEET TO A POINT WHICH BEARS SOUTH 86°38'06" EAST 22.67 FEET FROM A 5" SQUARE CONCRETE MONUMENT AS DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 377111; THENCE NORTH 86°38'06" WEST 22.67 FEET TO SAID CONCRETE MONUMENT; THENCE CONTINUE NORTH 86°38'06" WEST 201.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°21'19" WEST 180.91 FEET, TO A POINT CALLED "A" FOR THE PURPOSES OF THIS DESCRIPTION, IN A 6.0 FOOT HIGH CHAIN LINK AND STEEL POST FENCE; THENCE CONTINUE SOUTH 3°21'19" WEST 78.12 FEET TO A POINT

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Page 2 of 8
18/02/2003 03:58P
MICHAEL MURRAY/DALE HEIKE COVEN 426.66 Kitsap Co. WA

ON THE NORTHWESTERLY RIGHT-OF-WAY OF S.R. #3, 79.0 FEET LEFT OF HIGHWAY ENGINEERS STATION 2+52.58 ALL AS SHOWN ON THAT CERTAIN ROAD PLAN S.R. #3 TIDEWATER CREEK TO BREMERTON DATED OCTOBER 13, 1938 WHICH IS ALSO THE NORTHWESTERLY RIGHT-OF-WAY AS ACQUIRED IN CONDEMNATION AND RECORDED UNDER AUDITOR'S FILE NO. 8604080088 AND THE END OF SAID AGREEMENT LINE.

PARCEL B

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE NORTH 88°34'50" WEST ALONG THE NORTH LINE THEREOF 601.25 FEET; THENCE SOUTH 3°07'04" WEST 220 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 3°07'04" WEST 273.70 FEET TO THE NORTH MARGIN OF NAVY YARD HIGHWAY; THENCE SOUTH 76°45'30" WEST ALONG SAID NORTH MARGIN 89.53 FEET; THENCE NORTH 3°07'04" EAST 356.72 FEET; THENCE SOUTH 88°34'50" EAST 61.31 FEET; THENCE SOUTH 3°07'04" WEST 60 FEET; THENCE SOUTH 88°34'50" EAST 25 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT RAILROAD RIGHT-OF-WAY.

PARCEL C:

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT; THENCE NORTH 88°034'50" WEST ALONG THE NORTH LINE THEREOF 601.25 FEET; THENCE SOUTH 3°07'04" WEST 160 FEET TO THE TRUE POINT OF BEGINNING THENCE SOUTH 3°01'04" WEST 60 FEET; THENCE NORTH 88°34' SOUTH WEST" WEST 25 FEET; THENCE NORTH 3°07'04" EAST 60 FEET; THENCE SOUTH 88°34'50" EAST 25 FEET TO THE TRUE POINT OF BEGINNING.

Unofficial

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MICHAEL MURRAY/DALE HEIKE COVEN #28.00 Kitsap Co, WA

RESTRICTIVE COVENANT

MURRAY/HEIKE WAREHOUSE

Murray/Heike Warehouse
3408 W. Belfair Valley Rd.
Bremerton WA 98312.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(f) and (g) and WAC 173-340-440. Michael G. Murray, Phyllis D. Murray, Dale A. Heike, and Susan J. Heike, (Owners) their 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 Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents, which are on file at Ecology's Northwest Regional Office:

1. Remedial Investigation Limited Groundwater Assessment. The 3408 West Belfair Valley Road Project, Bremerton, WA 98312 by Saltbush Environmental Services, Inc. May 19, 2003. Project No. 030321534.
2. Additional Subsurface Investigation at 3408 W. Belfair Valley Road, by Robinson Noble, Inc. September 12, 2003.
3. Water Level Monitoring in Gorst, by Robinson Noble, Inc. July 31, 2003.
4. Limited Phase II Site Assessment, 3408 West Belfair Valley Rd Site, by Saltbush Environmental Services, Inc. of July 16, 2003 project number 1534-2
5. Phase II Environmental Site Assessment Closed In-Place Underground Storage Tanks, 3408 West Belfair Valley Rd. Bremerton, WA 98312 by Saltbush Environmental Services, Inc. March 3, 2003. Project No. 0303121534.

This Restrictive Covenant is required because the Remedial Action resulted in leaving residual concentrations of total petroleum hydrocarbon as gasoline and benzene in the soil that exceed the MTCA Method A soil cleanup levels established in WAC 173-340-720.

The undersigned, Michael G. Murray, Phyllis D. Murray, Dale A. Heike, and Susan J. Heike, are the fee owner of real property (hereafter "Property") in the County of Kitsap, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

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MICHAEL MURRAY/DALE HEIKE COVEN #26 09 KITSAP Co., WA

BEGINNING AT A POINT WHICH IS NORTH 88°03'45" WEST 507.19 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32; THENCE SOUTH 3°07'04" WEST 459.58 FEET TO THE NORTHERLY LINE OF NAVY YARD HIGHWAY; THENCE ALONG SAID NORTHERLY LINE SOUTH 71°14'00" WEST 100.59 FEET; THENCE NORTH 3°07'04" EAST 493.70 FEET; THENCE SOUTH 88°34'50" EAST 94.06 FEET TO THE POINT OF BEGINNING.

EXCEPT PORTION THEREOF LYING EASTERLY OF THE FENCE LINE ESTABLISHED AS THE BOUNDARY OF SAID PREMISES BY BOUNDARY LINE AGREEMENT EXECUTED MAY 28, 1943, BETWEEN WARREN G. TUTTLE AND SARRAH E. TUTTLE, HIS WIFE, CLAUD V. STONER AND KATHERINE L. STONER, HIS WIFE, JAY JONES, JANET JONES, MAX JONES AND CAROLINE JONES, RECORDED JUNE 2, 1943, UNDER AUDITOR'S FILE NO. 3771111;

EXCEPT STATE HIGHWAY NO. 14;

EXCEPT ALL THAT PORTION THEREOF DEEDED TO UNITED STATES OF AMERICA FOR RAILROAD RIGHT-OF-WAY UNDER AUDITOR'S FILE NO. 418430

EXCEPT ALL THAT PORTION DESCRIBED IN DEEDS TO THE STATE OF WASHINGTON RECORDED MARCH 3, 1986 AND APRIL 17, 1986, UNDER AUDITOR'S FILE NOS. 8503030099 AND 9604170041; AND EXCEPT ALL THAT PORTION OF SAID PREMISES LYING EAST OF THE FOLLOWING DESCRIBED LINE;

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 32 BEARS NORTH 1°55'07" EAST 1342.45 FEET; THENCE NORTH 88°34'50" WEST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1, AT A DISTANCE OF 261.85 FEET; THENCE SOUTH 11°00'10" WEST 169.39 FEET TO A POINT WHICH BEARS SOUTH 86°38'06" EAST 22.67 FEET FROM A 5" SQUARE CONCRETE MONUMENT AS DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S FILE NO. 3771111; THENCE NORTH 86°38'06" WEST 22.67 FEET TO SAID CONCRETE MONUMENT; THENCE CONTINUE NORTH 86°38'06" WEST 201.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 3°21'19" WEST 180.91 FEET, TO A POINT CALLED "A" FOR THE PURPOSES OF THIS DESCRIPTION, IN A 6.0 FOOT HIGH CHAIN LINK AND STEEL POST FENCE; THENCE CONTINUE SOUTH 3°21'19" WEST 78.12 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF S.R. #3, 79.0 FEET LEFT OF HIGHWAY ENGINEERS STATION 2+52.58 ALL AS SHOWN ON THAT CERTAIN ROAD PLAN S.R. #3 TIDEWATER CREEK TO BREMERTON DATED OCTOBER 13, 1938 WHICH IS ALSO THE NORTHWESTERLY RIGHT-OF-WAY AS ACQUIRED IN CONDEMNATION AND RECORDED UNDER AUDITOR'S FILE NO. 8604080088 AND THE END OF SAID AGREEMENT LINE.

PARCEL B

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE NORTH 88°34'50" WEST ALONG THE NORTH LINE THEREOF 601.25 FEET; THENCE SOUTH 3°07'04" WEST 220 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 3°07'04" WEST 273.70 FEET TO THE NORTH MARGIN OF NAVY YARD HIGHWAY; THENCE SOUTH 76°45'30" WEST ALONG SAID NORTH MARGIN 89.53 FEET; THENCE NORTH 3°07'04" EAST 356.72 FEET; THENCE SOUTH 88°34'50" EAST 61.31 FEET; THENCE SOUTH 3°07'04" WEST 60 FEET; THENCE SOUTH 88°34'50" EAST 25 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT RAILROAD RIGHT-OF-WAY.

PARCEL C:

THAT PORTION OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT; THENCE NORTH 88°03'45" WEST ALONG THE NORTH LINE THEREOF 601.25 FEET; THENCE SOUTH 3°07'04" WEST 160 FEET TO THE TRUE POINT OF BEGINNING THENCE SOUTH 3°01'04" WEST 60 FEET; THENCE NORTH 88°34' SW "WEST" 25 FEET; THENCE NORTH 3°07'04" EAST 60 FEET; THENCE SOUTH 88°34'50" EAST 25 FEET TO THE TRUE POINT OF BEGINNING.



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MICHAEL MURRAY/DALE HEIKE COVEN #26.60 Kitsap Co, WA

Michael G. Murray, Phyllis D. Murray, Dale A. Heike, and Susan J. Heike make the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. The Property contains residual concentrations of TPH gasoline and benzene in the soil that exceed the MTCA Method A soil cleanup levels under the concrete pad as shown in Figure 2 (enclosed).

The Owner shall not alter, modify or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of the residual TPH gasoline and benzene contaminated soil that was contained on site, or create a new exposure pathway without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. No groundwater may be taken from the Property for any use.

Section 3. 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 4. 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 5. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation and maintenance of the Remedial Action. The Owner conveying any interest in the property shall notify Ecology of the name, mailing address, and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

Section 6. 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 7. 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 8. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial



Action.

Section 9. 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 an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Michael G. Murray

Michael G. Murray
10-2-03
DATE

Dale A. Heike

DATE

Phyllis D. Murray

Phyllis D. Murray
10-2-03
DATE

Susan J. Heike By

DATE

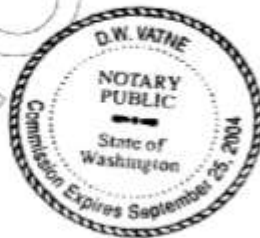
STATE OF WASHINGTON)

KITAP) ss.

COUNTY OF ~~FRASER~~)

On this 2nd day of October, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Michael G. Murray and Phyllis D. Murray, to me known to be the persons who signed as owners of the Murray/Heike Warehouse, that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and action as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



D.W. Vatne
Print Name: D.W. Vatne
Notary Public in and for the State of Washington,
Residing at Brewster
My commission expires: 9-25-04

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MICHAEL MURRAY/DALE HEIKE COVEN #26.96 Kitsap Co. WA

6.5 Photo log

Photo 1: Warehouse building – UST area at left



Photo 2: Close-up of UST area – monitoring well at bottom left of photo



Photo 3: Monitoring well close-up

