



PERIODIC REVIEW

**Edman Co Side 1 (Cascade Timber #1)
Facility Site ID#: 1204**

**2502 Marine View Drive Southwest
Tacoma, Washington 98421**

Southwest Regional Office

TOXICS CLEANUP PROGRAM

May 2011

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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 former Edman Company site (Site), formerly known as the Cascade Timber #1 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 conducted under a Proposed Purchaser Consent Decree (PPCD). The cleanup actions resulted in concentrations of metals in soil exceeding MTCA Method A Industrial cleanup levels remaining at the Site. The MTCA Method A cleanup levels for soil are established under WAC 173-340-745(3). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

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

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions;
- (b) New scientific information for individual hazardous substances or 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 History

The former Cascade Timber property is comprised of two lots located in the City of Tacoma in Pierce County, Washington (Vicinity Map - Appendix 6.1). Consent Decree No. 932100995 was issued by Ecology to McFarland Cascade Holdings, Inc., Cascade Pole Company and ASARCO Incorporated in 1993. In 1997, a Prospective Purchase Consent Decree was executed between the EPA and Edman Holdings, LLC for one of the two lots at the Site.

The site is located along Hylebos Waterway and is in the Commencement Bay Nearshore/Tideflats (CBN/T) Superfund site. The CBN/T site includes the head of Hylebos Waterway and those upland sites that are believed to contribute contamination to the waterway. The United States Environmental Protection Agency (EPA) is responsible for cleanup of waterway sediment, while Ecology is responsible for cleanup of the upland areas that are sources of contamination to the waterway.

The entire site (Lots 1 and 2) was formerly owned by Cascade Pole Company, which leased it to Cascade Timber Company from 1977 to 1981. Cascade Timber Company used the property as a log sort yard. Cascade Pole Company transferred the property to McFarland Cascade Holdings, Inc., (MCHI) in 1986. The property has not been used for any purpose other than log storage since 1981. In 1997 Edman Holdings, LLC, purchased Lot 2 from MCHI (Ecology 1993). From at least 1977 to 1981, slag, a product of the ore smelting process produced at the ASARCO smelting facility in Tacoma, Washington, was placed on the site as ballast to keep heavy equipment from sinking into the soft soil. The primary components of the logyard are a combination of wood waste, soil, and crushed slag.

ASARCO had been responsible for the McFarland Site until December 9, 2009. On that date, the United States Bankruptcy Court for the Southern District of Texas entered an order associated with ASARCO's bankruptcy, Case No. 05-21207, that approved a Settlement Agreement establishing the ASARCO Multi-State Custodial Trust for certain ASARCO owned sites, including the "McFarland Designated Property" (i.e., the Site), approval of the appointment of a Custodial Trust, approval of a Custodial Trust Agreement, and for the conveyance of the Site to the ASARCO Multi-State Custodial Trust.

In 2007, Ecology and Environment (E&E) was contracted to conduct a five-year periodic review for the Site. A significant amount of the information in the review done by E&E was verified and used in this document.

2.2 Site Investigations

Ecology conducted a surface water investigation at the site between November 1983 and June 1984. The study found the following metals in surface water runoff: arsenic, copper, lead, and

zinc, which were found at concentrations as high as 7,280, 695, 710, and 3,000 parts per billion, respectively. The study theorized that the cause of contamination was the use of ASARCO slag as yard ballast.

Further investigation conducted by MCHI's contractor, Applied Geotechnology, Inc., in 1998 found arsenic, copper, lead, and zinc at concentrations up to 1,200, 2,600, 15, and 6,200 parts per billion, respectively, in surface water on the site. On November 6, 1989, Ecology issued an Agreed Order that named MCHI and Cascade Pole Company as potentially liable parties under the MTCA. The mutual objective of the Agreed Order was to provide a framework for a Remedial Investigation/Feasibility Study (RI/FS) and the draft Cleanup Action Plan for the Site.

After the Agreed Order was issued by Ecology, an RI/FS was conducted, during which four rounds of groundwater sampling were conducted. All samples were analyzed for total and dissolved metals. Soil samples were also collected for analysis for metals. This investigation demonstrated that arsenic, copper, lead, and zinc were present at elevated levels in surface soil samples. Samples from the slag/soil interface showed a maximum soil concentration of 180 milligrams per kilogram (mg/kg) arsenic.

2.3 Remedial Activities

Under the initial Consent Decree with MCHI, Cascade Pole Company and ASARCO, Inc., a Final Remedial Design Report was completed in December 1993. The report included plans for the installation of a containment cell and cap, the installation of a storm water collection system, and monitoring of surface water and groundwater. As per the Consent Decree, a Restrictive Covenant limiting the use of most of the site to industrial purposes was to be filed.

In July 1995, MCHI and ASARCO executed an agreement under which ASARCO is fully responsible for all sediment cleanup costs and for all natural resource damage claims relating to sediment contamination caused by release of hazardous substances from ASARCO slag at the site. ASARCO removed all soils and material containing ASARCO slag or related hazardous substances that exceeded MTCA industrial cleanup standards for soil and placed these materials in the containment cell constructed on Lot 1.

The containment cell is approximately 0.5 acres and contains the consolidated wood waste/soil/slag material that is above the cleanup levels from the remainder of the site. The containment cell consists of a single bottom flexible membrane liner and a leachate collection and recovery system and has a multi-layer cover. Surface water runoff from rainfall on the cell is diverted to one discharge point at the southwest corner of the site. Four monitoring wells (MCW-1, CMW-2, MCW-3, and MCW-4) were installed at the four sides of the containment cell. As a component of capping activities, ecology blocks (i.e., large concrete blocks) were placed around the perimeter of the cap, forming a berm.

2.4 Cleanup Levels and Points of Compliance

The cleanup levels and points of compliance identified in the consent decree are the following:

-
- MTCA Method A industrial soil cleanup standards are 200 mg/kg for arsenic and 1,000 mg/kg for lead. Copper and zinc concentrations were evaluated and determined not to be present on site at levels that would present a human health (direct contact) hazard.
 - As groundwater cannot be used for drinking water due to salinity and as the Site is immediately adjacent to Hylebos Waterway and groundwater discharges to this waterway, the groundwater cleanup levels were set to surface water standards protective of sediment and water column quality. For these reasons, state and federal marine chronic ambient surface water quality criteria were applied to groundwater at the site to protect the adjacent Hylebos Waterway. The cleanup standards for groundwater at the site were set for arsenic at 36 micrograms per liter ($\mu\text{g/L}$), for copper at 2.9 $\mu\text{g/L}$, for lead at 8.5 $\mu\text{g/L}$, and for zinc at 86 $\mu\text{g/L}$.

Points of compliance included the following:

- The point of compliance for groundwater cleanup standards was at the edge of the containment facility. All wells were completed to sample the uppermost aquifer system.
- Monitoring of storm water runoff for the metals of concern at the post-remediation point of surface water discharge to the Hylebos Waterway.
- The site soils remaining outside the containment system must comply with soil cleanup standards.

2.5 Surface and Ground Water Monitoring

Groundwater monitoring from September 1994 through June 1998 indicates the following:

- Dissolved arsenic was measured below the site cleanup level (0.036 milligrams per liter [mg/L]) in all wells in every monitoring episode since the beginning of the groundwater monitoring program, except for one instance in one well (0.046 mg/L in MCW-1 in June 21, 1995).
- Dissolved lead and zinc were measured below the site cleanup levels (0.0085 mg/L and 0.086 mg/L , respectively) in all wells in every monitoring episode since the inception of the groundwater monitoring program.
- Dissolved copper was detected below the site cleanup level (i.e., 0.0029 mg/L) for all wells in every monitoring episode since the inception of the groundwater monitoring program, except for one episode when all four wells exceeded this cleanup level (i.e., on December 5, 1996).

No surface water cleanup standards were set for this site since the proposed remedial action eliminated surface water as a contaminant pathway. However, surface water was monitored for

the same parameters as groundwater to insure the efficacy of the cleanup and to determine whether an individual NPDES permit and/or additional cleanup was required. Surface water runoff from the cap was being monitored at two locations (MSW-1 and MSW-2) concurrently with groundwater monitoring. Surface water monitoring since September of 1994 thru June 1998 indicates the following:

- Dissolved arsenic, lead, and zinc were measured below the site cleanup level (0.036 mg/L) in all surface water samples in every monitoring episode since the beginning of the monitoring program.
- Dissolved copper was detected above the cleanup level in one sampling event (0.009 mg/L at MSW-2 on March 10, 1995).

In March 1998, Ecology reduced the groundwater monitoring requirements from quarterly to annually since groundwater had been meeting the cleanup standards. Ecology also approved the discontinuation of surface runoff monitoring at MSW-2 since surface water had been meeting the cleanup standards. The last annual monitoring results available in the State's files are from June 1998. It is not known why there has not been sampling since June 1998.

2.6 Restrictive Covenant

Following remediation, Restrictive Covenants were recorded for each lot at the Site. The Restrictive Covenant for Lot 1, where the containment cell and cap are located, included the following three provisions:

1. The property may be used only for industrial uses as defined in and allowed under the City of Tacoma's zoning regulations codified in the Tacoma City Code;
2. Activities on the property that interfere with or reduce the effectiveness of the cleanup action or any operation, maintenance, or monitoring required by the Decree are prohibited; and
3. Activities on the property that may result in the release of a hazardous substance that was contained as a part of the cleanup action are prohibited, and continued maintenance of the containment system must be provided for.

The Restrictive Covenant for Lot 1 (file number 9609100214) was filed in Pierce County, Washington, on September 10, 1996.

The Restrictive Covenant for Lot 2 included the following two provisions:

1. The property may be used only for industrial uses as defined in and allowed under the City of Tacoma's zoning regulations, codified in the Tacoma City Code as of the date of the Restrictive Covenant; and
2. Activities on the property that interfere with the continuing obligation of surface water monitoring required by the Consent Decree are prohibited.

The Restrictive Covenant for Lot 2 (file number 9609100213) was filed in Pierce County, Washington, on September 10, 1996.

The Restrictive Covenants are available as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the site visit conducted on March 6, 2009, the cap, berm, and monitoring wells were observed to be in good repair. No cracks in the cap greater than two inches were observed. The ecology block berm was observed to surround the three sides of the cap that were visible. The excavation and containment of contaminated soils has effectively eliminated the risk of human and wildlife exposure to contaminated sediment/soils. The cap also prevents storm water from coming into contact with these contaminated soils.

The Restrictive Covenants for the Site were recorded and are still in place. The Restrictive Covenants state that the property may only be used for industrial purposes and that any activity that reduces the effectiveness of the cleanup action is prohibited.

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

Cleanup levels at the site were based on regulatory standards rather than calculated risk for chemicals and/or media. These standards continue to be protective of site-specific conditions.

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.”

The current MTCA Method A Industrial soil cleanup standard for arsenic has been reduced from 200 mg/kg to 20 mg/kg since the consent decree was issued. Because contaminated soils at the Site have been capped, the modification to the MTCA cleanup standard does not represent an increase in risk to human health or the environment. Several of the state marine chronic surface water quality criteria have also changed since the Enforcement Order was issued. Values for lead and zinc have been reduced to 8.1 and 81 µg/L, respectively. Overall, the changes to the original standards have not resulted in the need for additional remedial actions at the site.

3.4 Current and projected site use

The site is currently used for industrial purposes. The Site continues to be used as a log storage yard and wood chipping facility. Future use of the Site is not expected to change. These uses are not likely to have a negative impact on the integrity of the Site cap.

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 MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the site.

4.0 CONCLUSIONS

- The cleanup actions completed at the Site may not be protective of human health and the environment since the required monitoring, cap inspection and maintenance was not performed.
- Soils cleanup levels have not been met at the Site; however, under WAC 173-340-740(6)(f), the cleanup action is determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies in WAC 173-340-360(8) have been met.
- The Restrictive Covenants for the property are in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.
- Annual groundwater monitoring is still required at the Site. Monitoring does not appear to have been conducted since 1998, at which time contaminants were at acceptable levels. Additional groundwater monitoring is required to be conducted at the Site.
- Continued cap inspection and maintenance are required. Cap maintenance appears to be adequate at this time, but there is no record of ongoing inspection or maintenance activity to ensure protection of the cap.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant are being met. The cap is currently in satisfactory condition. It is the property owner's responsibility to continue to inspect the site to ensure that the integrity of the cap is maintained and to continue groundwater monitoring. Ecology requires that additional ground water sampling events be conducted at the Site.

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

Applied Geotechnology, Inc. December 8, 1989. Remedial Investigation – Cascade Timber Yard No. 1.

Ecology. October 12, 1993. Consent Decree No. 93-2-10099-5.

Hydrometrics, Inc. December 10, 1993. Final Remedial Design Report – Cascade Timber No.1 Remediation.

Hydrometrics, Inc. December 10, 1997. Third Quarter 1997 Status Report – Cascade Timber #1.

Hydrometrics, Inc. September 9, 1998. September Status Report – Cascade Timber #1.

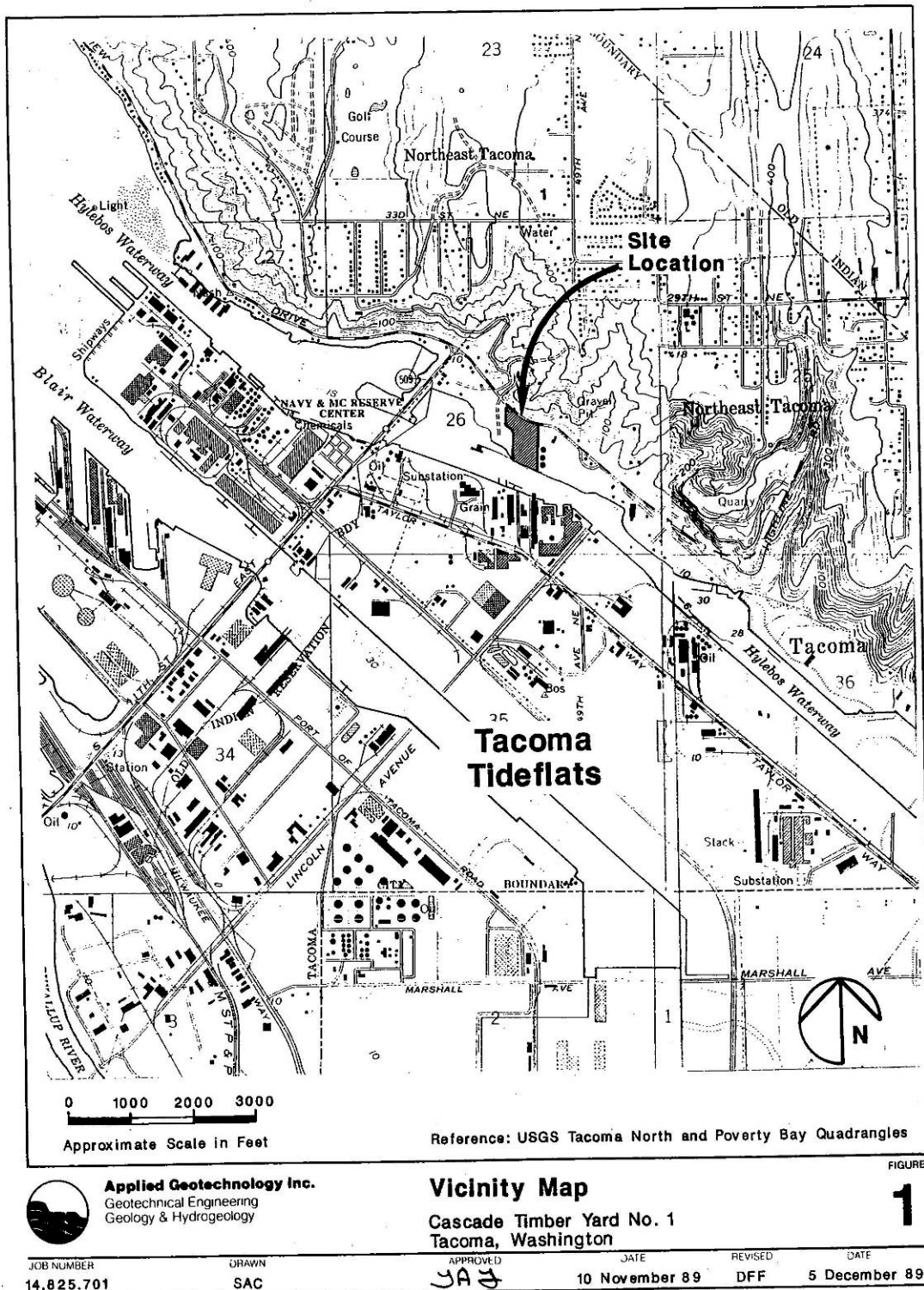
Ecology. 1996. Restrictive Covenant

Ecology and Environment, Inc. November 9, 2007. Cascade Timber No. 1 Periodic Review Report.

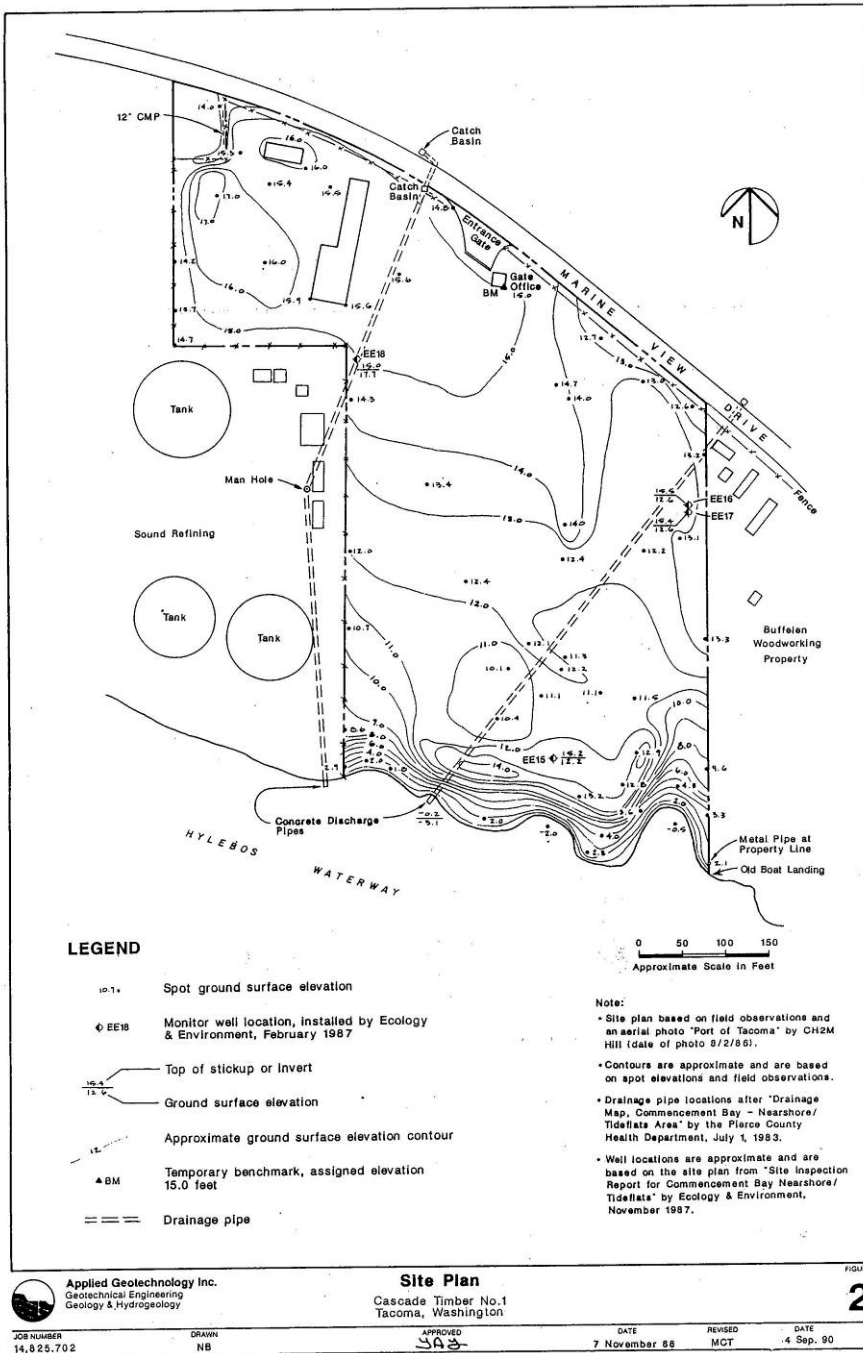
Ecology. 2009. Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 Environmental Covenant

AFTER RECORDING RETURN TO:

**RESTRICTIVE COVENANT
2502 Marine View Drive - LOT 1**

Notice is hereby given that the property, which is the subject of this Restrictive Covenant, described as, Lot 1 of City of Tacoma Short Plat recorded in the real property records of Pierce County, Washington on April 1, 1996, under Auditor's Recording No. 9604010402, (the "Property") is the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the Property (hereinafter the "Cleanup Action") is described in Washington State Department of Ecology Consent Decree, Pierce County No. 93-2-10099-5, and in exhibits to the Decree. The Consent Decree is filed with the Superior Court of the State of Washington in and for Pierce County.

The restrictions and obligations described in this Restrictive Covenant are intended to run with the land and be binding on any and all persons who acquire an interest in the Property.

Potential purchasers and lessees are further put on notice that,

1. The Property may be used only for Industrial uses as defined in and allowed under the City of Tacoma's Zoning Regulations codified in the Tacoma City Code as of the date of this Restrictive Covenant, attached hereto as Exhibit A.
2. Activities on the Property that interfere with or reduce the effectiveness of the Cleanup Action or any operation, maintenance, or monitoring required by the Decree are prohibited.
3. Activities on the Property that may result in the release of a hazardous substance that was contained as a part of the Cleanup Action are prohibited, and continued maintenance of the containment system must be provided for.

The owner of the Property and owner's assigns and successors in interest reserve the right to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the Property or be of any further force or effect. However, such an instrument

may be recorded only with the consent of the Department of Ecology or of a successor agency.

Executed as of the ____ day of _____, 1996.

PROPERTY OWNER: _____

By _____
Its _____

Attachments:

Exhibit A - Applicable Zoning Regulations

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this ____ day of _____, 1996, before me, a Notary Public in and for the State of Washington, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the _____ of _____ to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

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

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires _____
Print Name _____

EXHIBIT A

TACOMA MUNICIPAL CODE

13.06.330 M-2 district.

The following are regulations of the M-2 Heavy Industrial Districts:

A. Use Regulations. A building, structure or land or a building or structure hereafter built, altered or enlarged shall be used for only the following permitted uses:

1. Any use permitted in the M-1 Light Industrial District within or outside a building or fence; provided, however, that all residential uses are prohibited in the M-2 Heavy Industrial Districts except necessary quarters for caretakers and watchmen. Automobile house trailers and mobile homes are allowed for such caretaker and watchman quarters provided a special permit has been approved in accordance with Section 13.06.375; provided further, that group care homes, day care centers and nursery schools are also prohibited from M-2 Heavy Industrial Districts.

15. Automobile house trailers and mobile homes as temporary office space in accordance with provisions of Section 13.06.375.

2. Alcohol manufacture or liquor distillery.

3. Asbestos products manufacture.

4. Asphalt manufacture and creosote manufacture and treatment plants.

5. Bag cleaning.

6. Brick, tile, terra cotta and pottery manufacture.

7. Carbonundum and abrasive manufacture.

8. Cloth, cord, rope and thread manufacture.

9. Chemicals manufacture but excluding acid manufacture.

10. Concrete and concrete products manufacture.

11. Coke ovens.

12. Felt manufacture.

13. Fish curing, smoking and canning.

14. Flour, feed and cereal manufacture.

15. Gutta percha, tar and rubber goods manufacture.

16. Iron, steel, brass, copper and other metals, foundry and fabrication but excluding smelter and blast furnace.

17. Lampblack, paint, varnish, oil and turpentine manufacture.

18. Linoleum and oil cloth manufacture.

19. Meat and food manufacture and processing but excluding the slaughter of animals and rendering of fat.

20. Mining, rock quarry and rock, sand and gravel cleaning, crushing and processing.

21. Railroad repair and classification yard.

22. Rolling mill.

23. Petroleum and petroleum products aboveground storage in excess of 1,000 gallons.

24. Plastics manufacture.

25. Saltworks.

26. Saw and planing mill.

27. Soap manufacture.

28. Shipyard.

29. Tobacco products manufacture.

30. Wool pulling or scouring.

31. Accessory uses when located on the same lot.

32. Conditional Uses. When authorized by the Hearing Examiner after a duly advertised public hearing, the following uses shall also be permitted in an M-2 District:

a. Construction/demolition/land-clearing debris recycling. Application for a conditional use permit shall be made to the Public Works Department, and shall include site development plans showing all existing and proposed structures,

existing and proposed drainage, existing and proposed topography circulation, access drives/fire lanes, equipment and/or material storage location and size, parking and loading areas, and natural or environmentally sensitive features. This application shall be accompanied by filing fees as set forth in Sections 13.06.471 and 13.06.473.

The intent and purpose of this section, and criteria for granting of conditional use permits by the Hearing Examiner, shall be the same as those stated in Section 13.06.375 of this chapter regarding special use permits.

In authorizing a conditional use the Hearing Examiner may attach thereto such conditions as are authorized under Section 13.03.070 of this title.

A conditional use permit so authorized shall expire as provided in Section 13.06.474 hereof if no substantial development has taken place in accordance with plans for which such conditional uses were authorized.

Conditional use permits authorized under this section shall not become effective until expiration of the appeal period following the granting thereof by the Hearing Examiner, and shall be subject to the appellate procedures set forth in Section 13.06.485 hereof, and shall not become effective

EXHIBIT A (CONT.)

TACOMA MUNICIPAL CODE

until the expiration of the appeal period; provided however, that a permit granted by the Hearing Examiner shall not become effective in the event there is an appeal filed within the limits prescribed.

B. Height Regulations. A building, structure or portion thereof erected shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.

C. Area Regulations. A building or structure hereafter built, enlarged or moved shall provide the following yards or lot areas:

1. Front Yard. Where all the frontage is located in the M-2 Heavy Industrial District no front yard is required. Where the frontage is partly in the M-2 Heavy Industrial District and partly in a Dwelling District the front yard requirement of the Dwelling District shall apply in the M-2 Heavy Industrial District.

2. Side Yard. Where the side of a lot in the M-2 Heavy Industrial District abuts the side of a lot in a Dwelling District there shall be a side yard of not less than seven and one-half feet in width. In other cases, a side yard for a commercial or industrial building shall not be required.

3. Rear Yard. Where a lot in the M-2 Heavy Industrial District abuts upon a Dwelling District there shall be a rear yard having a depth of not less than 20 feet for interior lots and 10 feet for corner lots. In other cases a rear yard is not required.

D. Parking and Loading Space Regulations. Parking space for buildings as required in Section 13.06.350.

Loading space as required in Section 13.06.350. (Ord. 25374 § 2; passed Oct. 5, 1993; Ord. 20220 § 10; passed Oct. 1, 1974; Ord. 19858 § 6; passed July 3, 1973; Ord. 19286 § 2; passed Jan. 26, 1971; Ord. 15003; passed May 3, 1954; Ord. 14793 § 26; passed May 18, 1953.)

AFTER RECORDING RETURN TO:

**RESTRICTIVE COVENANT
2502 Marine View Drive - LOT 2**

Notice is hereby given that the property, which is the subject of this Restrictive Covenant, legally described as, Lot 2 of City of Tacoma Short Plat recorded in the real property records of Pierce County, Washington on April 1, 1996, under Auditor's Recording No. 9604010402, (the "Property") was the subject of remedial action under Chapter 70.105D RCW. The work done to clean up the Property (hereinafter the "Cleanup Action") is described in Washington State Department of Ecology Consent Decree, Pierce County No. 93-2-10099-5, and in exhibits to the Decree. The Consent Decree is filed with the Superior Court of the State of Washington in and for Pierce County.

The restrictions and obligations described in this Restrictive Covenant are intended to run with the land and be binding on any and all persons who acquire an interest in the Property.

Potential purchasers and lessees are further put on notice that,

1. The Property may be used only for Industrial uses as defined in and allowed under the City of Tacoma's Zoning Regulations codified in the Tacoma City Code as of the date of this Restrictive Covenant, attached hereto as Exhibit A.

2. Activities on the Property that interfere with the continuing obligation of surface water monitoring required by the Decree are prohibited.

The owner of the Property and owner's assigns and successors in interest reserve the right to record an instrument which provides that this Restrictive Covenant shall no longer limit the use of the Property or be of any further force or effect. However, such an instrument may be recorded only with the consent of the Department of Ecology or of a successor agency.

Executed as of the ____ day of _____, 1996.

PROPERTY OWNER: MCFARLAND CASCADE HOLDINGS, INC.

By _____
Its _____

Attachment:
Exhibit A - Applicable Zoning Regulations

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this ____ day of _____, 1996, before me, a Notary Public in and for the State of Washington, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as the _____ of McFarland Cascade Holdings, Inc. to be the free and voluntary act and deed of said corporation for the uses and purposes mentioned in the instrument.

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

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My appointment expires _____
Print Name _____

EXHIBIT A

TACOMA MUNICIPAL CODE

13.06.330 M-2 district.

The following are regulations of the M-2 Heavy Industrial Districts:

A. Use Regulations. A building, structure or land or a building or structure hereafter built, altered or enlarged shall be used for only the following permitted uses:

1. Any use permitted in the M-1 Light Industrial District within or outside a building or fence; provided, however, that all residential uses are prohibited in the M-2 Heavy Industrial Districts except necessary quarters for caretakers and watchmen. Automobile house trailers and mobile homes are allowed for such caretaker and watchman quarters provided a special permit has been approved in accordance with Section 13.06.375; provided further, that group care homes, day care centers and nursery schools are also prohibited from M-2 Heavy Industrial Districts.

1.5. Automobile house trailers and mobile homes as temporary office space in accordance with provisions of Section 13.06.375.

2. Alcohol manufacture or liquor distillery.
3. Asbestos products manufacture.
4. Asphalt manufacture and creosote manufacture and treatment plants.
5. Bag cleaning.
6. Brick, tile, terra cotta and pottery manufacture.
7. Carborundum and abrasive manufacture.
8. Cloth, cord, rope and thread manufacture.
9. Chemicals manufacture but excluding acid manufacture.
10. Concrete and concrete products manufacture.
11. Coke ovens.
12. Felt manufacture.
13. Fish curing, smoking and canning.
14. Flour, feed and cereal manufacture.
15. Gutta percha, tar and rubber goods manufacture.
16. Iron, steel, brass, copper and other metals, foundry and fabrication but excluding smelter and blast furnace.
17. Lampblack, paint, varnish, oil and turpentine manufacture.
18. Linoleum and oil cloth manufacture.
19. Meat and food manufacture and processing but excluding the slaughter of animals and rendering of fat.

20. Mining, rock quarry and rock, sand and gravel cleaning, crushing and processing.

21. Railroad repair and classification yard.
22. Rolling mill.
23. Petroleum and petroleum products aboveground storage in excess of 1,000 gallons.
24. Plastics manufacture.
25. Saltworks.
26. Saw and planing mill.
27. Soap manufacture.
28. Shipyard.
29. Tobacco products manufacture.
30. Wool pulling or scouring.
31. Accessory uses when located on the same lot.

32. Conditional Uses. When authorized by the Hearing Examiner after a duly advertised public hearing, the following uses shall also be permitted in an M-2 District:

a. Construction/demolition/land-clearing debris recycling. Application for a conditional use permit shall be made to the Public Works Department, and shall include site development plans showing all existing and proposed structures,

existing and proposed drainage, existing and proposed topography circulation, access drives/fire lanes, equipment and/or material storage location and size, parking and loading areas, and natural or environmentally sensitive features. This application shall be accompanied by filing fees as set forth in Sections 13.06.471 and 13.06.473.

The intent and purpose of this section, and criteria for granting of conditional use permits by the Hearing Examiner, shall be the same as those stated in Section 13.06.375 of this chapter regarding special use permits.

In authorizing a conditional use the Hearing Examiner may attach thereto such conditions as are authorized under Section 13.03.070 of this title.

A conditional use permit so authorized shall expire as provided in Section 13.06.474 hereof if no substantial development has taken place in accordance with plans for which such conditional uses were authorized.

Conditional use permits authorized under this section shall not become effective until expiration of the appeal period following the granting thereof by the Hearing Examiner, and shall be subject to the appellate procedures set forth in Section 13.06.485 hereof, and shall not become effective

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until the expiration of the appeal period; provided however, that a permit granted by the Hearing Examiner shall not become effective in the event there is an appeal filed within the limits prescribed.

B. Height Regulations. A building, structure or portion thereof erected shall not exceed a height of 100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.

C. Area Regulations. A building or structure hereafter built, enlarged or moved shall provide the following yards or lot areas:

1. Front Yard. Where all the frontage is located in the M-2 Heavy Industrial District no front yard is required. Where the frontage is partly in the M-2 Heavy Industrial District and partly in a Dwelling District the front yard requirement of the Dwelling District shall apply in the M-2 Heavy Industrial District.

2. Side Yard. Where the side of a lot in the M-2 Heavy Industrial District abuts the side of a lot in a Dwelling District there shall be a side yard of not less than seven and one-half feet in width. In other cases, a side yard for a commercial or industrial building shall not be required.

3. Rear Yard. Where a lot in the M-2 Heavy Industrial District abuts upon a Dwelling District there shall be a rear yard having a depth of not less than 20 feet for interior lots and 10 feet for corner lots. In other cases a rear yard is not required.

D. Parking and Loading Space Regulations. Parking space for buildings as required in Section 13.06.350.

Loading space as required in Section 13.06.350. (Ord. 25374 § 2; passed Oct. 5, 1993; Ord. 20220 § 10; passed Oct. 1, 1974; Ord. 19858 § 6; passed July 3, 1973; Ord. 19286 § 2; passed Jan. 26, 1971; Ord. 15003; passed May 3, 1954; Ord. 14793 § 26; passed May 18, 1953.)

6.4 Photo log

Photo 1: Edman Holdings Log Yard – from the south



Photo 2: Northern Parcel – from the east



Photo 3: Edman Parcel - from the south



Photo 4: Edman Parcel with Containment Cell on Right – from the east

