



## RESTRICTIVE COVENANT

Tonasket School District #404

Bus Garage and High School UST Sites

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1)(f) and (g) and WAC 173-340-440 by Tonasket School District #404, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document[s]: *UST Removal Report, Tonasket Public School District #404, June 1995*, and *Leaking Underground Storage Tank Site Characterization Report, Tonasket Public School District #404, July 1995*, both by Bison Environmental Resources, Inc. These documents are on file at Ecology's Central Regional Office in Yakima, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of diesel and oil range total petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Tonasket School District #404, is the fee owner of real property (hereafter "Property") in the County of Okanogan, State of Washington, that is subject to this



Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

Tonasket School District 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 (hereafter "Owner").

### Section 1.

Two portions of the Property contain residual concentrations of diesel and oil-range total petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil.. Area 1 is located beneath the administrative wing of the new Tonasket High School building. This area is beneath the former UST #1 and UST #2 area as described within the report *Leaking Underground Storage Tank Site Characterization Report, Tonasket Public School District #404, July 1995* as prepared by Bison Environmental Consulting, Inc. At Area 1, approximately 17.5 cubic yards of contaminated soil is present between 19 and 23 ft bgs. Area 2 is located at the Tonasket School District Bus Maintenance Facility, beneath asphalt located between the facility's north and south maintenance garages. This area is beneath the former UST #4 area as described within the report *Leaking Underground Storage Tank Site Characterization Report, Tonasket Public School District #404, July 1995* as prepared by Bison Environmental Consulting, Inc. Approximately 9.5 cubic yards of soil above the cleanup level are located between 8.5 and 17 ft below ground surface (bgs) at Area 2. Areas of contaminated soil left in-place are presented in Attachment B, Figures 2 and 3.



Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology. At Area 1, the Owner shall not alter, modify, or remove the existing Tonasket High School administrative wing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology. Contaminated soil at Area 2 is located beneath an asphalt pad that was constructed in part to minimize infiltration of precipitation into contaminated soils. Owner activities that are prohibited at Area 2 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. Any other work near Area 2 that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway shall not occur without prior written approval from Ecology.

**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.** 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.

**Section 4.** 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 5. 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 6. 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 7. 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.

*Randy Hauff*

Randy Hauff, Superintendent  
Tonasket School District #404

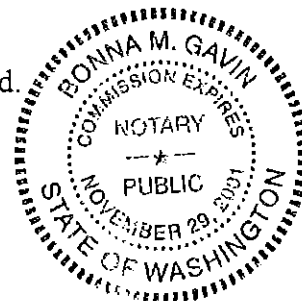
*November 5, 1998*

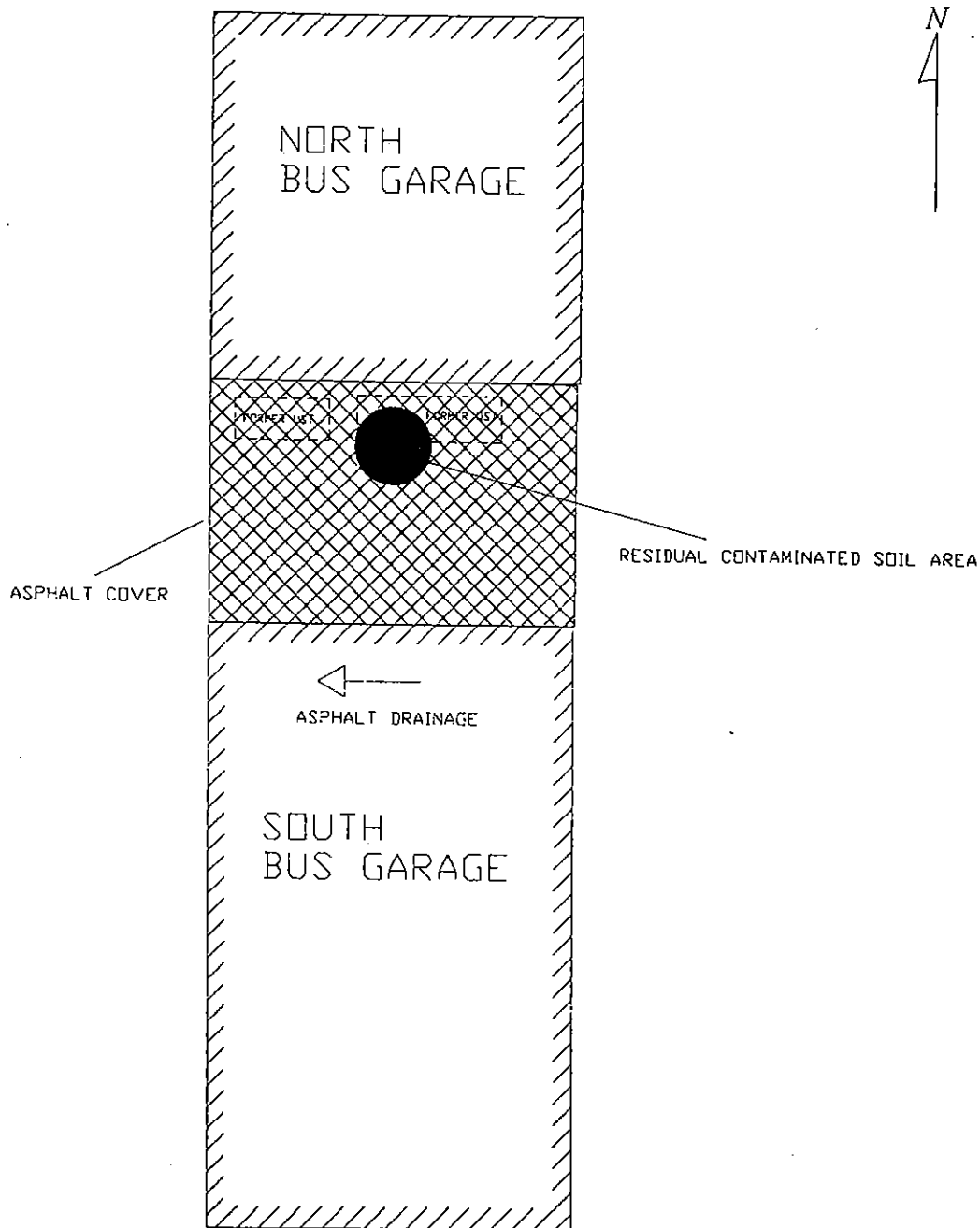
Date Signed

Note: The Property Owner must have this Restrictive Covenant notarized.

State of Washington County of Okanogan  
Signed before me on March 22, 1999


*Bonna M. Gavin*  
Notary Public My Commission Expires: 11-29-2001





SCALE (FT)  
0 10 20

TONASKET SCHOOL DISTRICT  
UST #1, #2, #4 SITES  
TONASKET, WASHINGTON

 **FULCRUM**  
ENVIRONMENTAL CONSULTING, INC  
SOUTH 107 CEDAR  
SPOKANE, WASHINGTON 99204

|                        |                |
|------------------------|----------------|
| DRAWN BY: RDE          | PROJECT: 98853 |
| DATE: SEPT 22, 1998    | REVIEW BY: DJH |
| FILE NAME: 94287-5.DWG | REVISED DATE:  |

FIGURE 3. UST #4  
SITE PLAN MAP



TONASKET 8D 404

COVEN

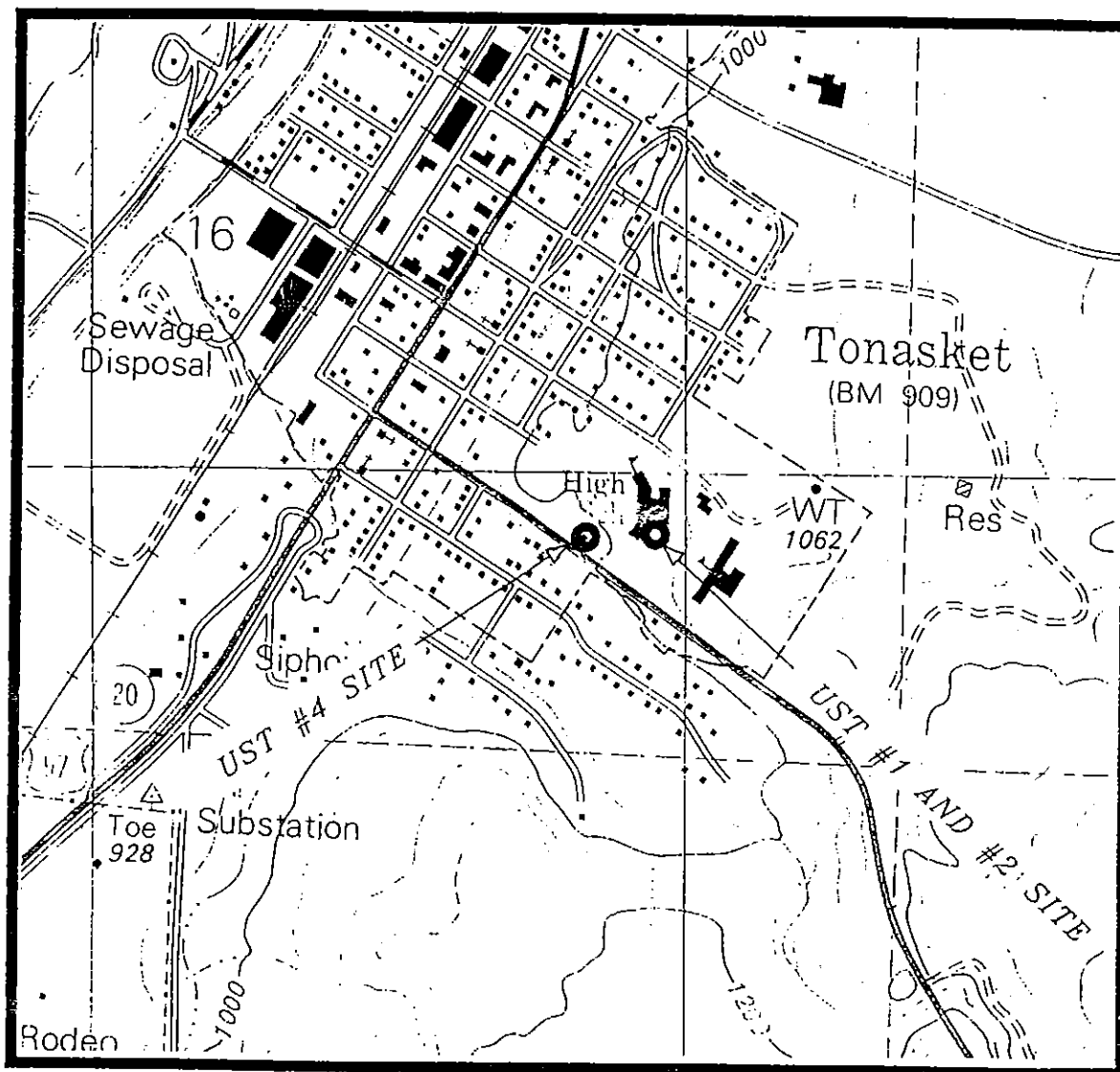
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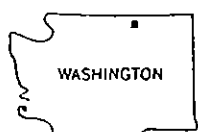
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Okanogan Co, WA



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FEET



QUADRANGLE LOCATION

TONASKET SCHOOL DISTRICT  
UST #1, #2, #4 SITES  
TONASKET, WASHINGTON

FULCRUM  
ENVIRONMENTAL CONSULTING, INC  
SOUTH 107 CEDAR  
SPOKANE, WASHINGTON 99204

DRAWN BY: RDE PROJECT: 98853

DATE: SEPT 22, 1998 REVIEW BY: DJH

FILE NAME: 94287-6.DWG REVISED DATE:

FIGURE 1  
SITE LOCATION MAP