



## **PERIODIC REVIEW**

**Twelve Trees Business Park  
Facility Site ID#: 39159928**

**26236 Pioneer Way NW (former address),  
now 26273, 26285 Twelve Trees Lane NW,  
Poulsbo, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**August 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 Twelve Trees Business Park (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. The cleanup actions resulted in concentrations of petroleum hydrocarbons and chlorinated compounds 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 an 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, 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 History**

The Twelve Trees Business Park (Site) is located southeast of the Lofall Road Northwest and Pioneer Way Northwest intersection in Poulsbo, Washington. Two lots are included in the Site. The Site is bordered to the west by office buildings, to the north by Pioneer Way with inactive gravel pits beyond, to the east by inactive gravel pits, and to the south by two-story commercial structures. There is a steep slope located on the northeast corner of the Site, covered with landscaped vegetation.

A gravel and asphalt plant was operated on this Site from 1956 to 1981. During the operation of the plant the asphalt truck beds were washed out with diesel and dumped on the ground. Also, a repair shop for the plant vehicles existed on the site. There were one 10,500 gallon gasoline tank, one 10,000 gallon diesel tank, one 7,700 gallon diesel tank and one 500 gallon waste oil tank on the site. Gravel pits operated after 1981.

### **2.2 Site Investigations and Sampling**

The Site is underlain by fill soils overlying interlayered clay, sand, and silt beds. There were six wells. Wells 4 and 5 were completed in a clay layer. Fill soils were composed of loose, silty, gravelly sand ranging from 2 to 5 feet in thickness. Underlying the fill soils was a dense to very dense layer of sand averaging 15 feet in thickness. Underlying the sand are irregular lenses of clays, silts, and sands to the depth explored, approximately one hundred feet. The average depth to groundwater on the property during the August 1993 well sampling was approximately sixty-six feet. The depth to water varies due to seasonal influences. Water level measurements at the Site indicate the groundwater flow direction to be toward the northwest. The unconfined aquifer appears to range from 10 to 56 feet in saturated thickness on the property with the thickness affected by seasonal precipitation and/or spring discharge. The aquifer is recharged by rainfall on and upgradient of the property, and discharges into Jump Oil Creek and into Hood Canal northwest of the property.

During the development of the Twelve Trees Business Park, four areas of potential contamination were discovered:

- an area where diesel and asphalt residue from washing the asphalt trucks was dumped,
- four underground storage tanks,
- the area around the repair shop concrete pad, and
- the groundwater.

Previous work performed on the property included the sampling of supply wells SW-1 and SW-2 in June 1991 by Shannon & Wilson personnel. Well 3 was not sampled at that time. Groundwater samples were submitted to Friedman & Bruya Laboratories for analysis by EPA

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Methods 5030 coupled to 8020 and 8015 for benzene, toluene, ethylbenzene, xylenes, and gasoline. After this initial sample event, two 6-inch production wells and one 2-inch monitoring well were installed at the property. Five exploratory test pits were placed on the Site during August 1991. Two test pits were placed adjacent to both the gasoline and diesel tanks, respectively. The fifth test pit was placed in the septic tank drainfield area. Based on screening efforts, soil samples were obtained from test pits TP-1, TP-2, TP-3, and TP-4 and submitted to Friedman & Bruya Laboratories in Seattle, Washington. Samples were analyzed by Modified Method 8015, Total Metals and Methods 5020 and 8010, Volatile Halogenated Organic Compounds.

Several groundwater sampling events were performed on the production wells by the property owner after the placement of the test pits.

Previous sampling activities at the Site indicated levels of trichloroethylene, aka trichloroethene (TCE) in Production Well 2 ranging from 17 to 25 parts per billion (ppb). These results exceed the MTCA regulatory level of 5 ppb. The remainder of the production wells and the monitoring well contained non-detectable levels, or less than 1 ppb of TCE. The potential source of TCE may be attributed to its use in day to day operations in the asphalt plant. TCE was used in the shop/laboratory by Washington State Department of Transportation personnel during state testing of the plant.

A Site investigation was conducted in May 1994 to ascertain the extent of contamination in the area where truck beds had been washed and dumped. Approximately 450 cubic yards of contaminated soils were removed from the excavation. The soil was screened to remove large rocks, fertilizer added to enhance bioremediation and placed in a berm.

The underground storage tanks were removed in December 1994. During the removal, contamination was noted around one of the diesel tanks. The other tank areas did not show evidence of any contamination. Approximately 250 cubic yards of contaminated soils were removed from the excavation, screened to remove large rocks and placed in a berm. Five samples from the contaminated soils berms were collected in January 1997. The samples were analyzed using EPA Method Modified 8015 extended to include motor oil range. The results of the laboratory analysis evidenced 160 micrograms per gram (ug/g), or parts per million (ppm), <50 ug/g (ppm), 170 ug/g (ppm), 140 ug/g (ppm), and <50 ug/g (ppm) respectively. All samples were below the MTCA cleanup levels for Method A.

A Site check of the area around the old repair shop concrete pad was conducted in February 1997. An odor of heavy oil was in a grayish sand silt layer six to twelve inches in thickness. Approximately 230 cubic yards of soil was removed from the excavation, placed on plastic liner and covered. One sample of this soil was collected on September 3, 1997 identified as NKSG-53, showed laboratory results of 1,600 ug/g (ppm) in the heavy oil range. These soils it is believed were used for subgrade material in the construction of roads at the business park as allowed in the end use criteria (after treatment) for petroleum contaminated soils described in the Ecology Publication, Guidance for Remediation of Petroleum Contaminated Soils.

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Six groundwater monitoring wells were installed in January 1994. The groundwater was analyzed for volatile compounds. All wells except MW #2 showed results less than the cleanup levels for all compounds. MW #2 showed TCE at 32 micrograms per liter (ug/L), or parts per billion (ppb) initially and 14 ug/L (ppb) in September 1997. The MW #2 well has continued to be sampled and the results have fluctuated. The business park receives potable water from PUD #1 well approximately 1,200 feet upgradient from MW #2. All other monitoring wells exhibited less than cleanup levels.

## **2.3 Cleanup Results**

The contaminated soils from the truck wash area and the diesel tank were screened to remove large rocks and fertilizers added to enhance the bio remediation. The soils from the repair shop excavation were screened to remove large rocks. All soils were placed in berms on 10 mil liner. This remedial action was selected because the owner had space and the time to allow the bio-remediation and natural volatilization. The contaminated soil could be used as fill or road bed during the development of the business park after treatment.

The contaminated soils were removed from the ground at all three sites. Approximately 450 cubic yards from the truck wash area and 250 cubic yards from the diesel tank TK-4 were bio-remediated and laboratory analysis evidenced <200 ppm.

Approximately 230 cubic yards of contaminated soils from the repair shop excavation were bio-remediated. The laboratory analysis of the contaminated soil from the repair shop excavation evidenced 1,600 ppm heavy oil.

Six groundwater monitoring wells were installed in January 1994, and a groundwater analysis for volatile compounds was conducted. All wells except MW #2 evidenced less than clean up levels for all compounds. MW #2 evidenced 32 ug/L (ppb) TCE. Laboratory testing in September 1997 of the wells evidenced 14 ug/L (ppb) TCE in MW #2 and all others were less than clean up levels.

A 'No Further Action' letter for the soil only was issued October 21, 1998 after a restrictive covenant was recorded with the county. The letter also required continued groundwater monitoring, which continues. The following table contains a record of the monitoring:

| TABLE 1: SUMMARY OF GROUNDWATER ANALYSES |              |                         |
|--|--------------|-------------------------|
| Sample No.                               | Date Sampled | Trichloroethylene (ppb) |
| <b>First Quarter-1999</b>                |              |                         |
| 99113-MW-2-GW-1                          | 5/25/99      | 6.0                     |
| 99113-MW-4-GW-2                          | 5/25/99      | <1.0                    |
| <b>Second Quarter-1999</b>               |              |                         |
| 99113-MW-2-GW-3                          | 9/1/99       | 15.0                    |
| 99113-MW-4-GW-4                          | 9/1/99       | <1.0                    |
| <b>Third Quarter-1999</b>                |              |                         |
| 99113-MW-2-GW-5                          | 11/21/99     | 9.0                     |
| 99113-MW-4-GW-6                          | 11/21/99     | <1.0                    |
| <b>Fourth Quarter-2000</b>               |              |                         |
| 99113-MW-2-GW-7                          | 2/25/00      | 15.0                    |
| 99113-MW-4-GW-8                          | 2/25/00      | <1.0                    |
| <b>Annual-2001</b>                       |              |                         |
| 01011-MW-2-GW-6*                         | 3/28/01      | 1.0                     |
| <b>Annual-2002</b>                       |              |                         |
| 02005-MW-2-GW-10                         | 4/8/02       | 13.0                    |
| <b>Annual-2003</b>                       |              |                         |
| 03012-MW-2-GW-11                         | 3/18/03      | 14.0                    |
| <b>Annual-2004</b>                       |              |                         |
| 04002-MW-2-GW-12                         | 3/10/04      | 5.0                     |
| <b>Annual-2005</b>                       |              |                         |
| ACL05-03-E015-MW-2-GW-13                 | 3/31/05      | <2.0                    |
| <b>Annual-2006</b>                       |              |                         |
| ACL06-04-E012-MW2-GW-14                  | 4/27/06      | 13.0                    |
| <b>Annual 2007</b>                       |              |                         |
| ACL07-04-E049-MW2-GW-15                  | 4/30/07      | 15.0                    |
| <b>Annual 2008</b>                       |              |                         |
| ESC08-E005-MW2-GW-16                     | 4/21/08      | 8.0                     |
| <b>Annual 2009</b>                       |              |                         |
| ESC09-E005-MW2-GW-17                     | 3/30/09      | 4.0                     |
| <b>Annual 2010</b>                       |              |                         |
| ESC10-E006-MW2-GW-18                     | 4/15/10      | 14.0                    |
| <b>Annual 2011</b>                       |              |                         |
| ESC011-E003-MW2-GW-19                    | 5/13/11      | <2.0                    |
| <b>MTCA Method A Cleanup Level</b>       |              | <b>5.0</b>              |

- QA Duplicate Sample Analyzed

## 2.4 Cleanup Levels

MTCA Method A cleanup levels for soils was selected for this Site as the surrounding land use is residential and agriculture. The Site has been developed as a business park with light industrial businesses. The business park is fenced.

## 2.5 Restrictive Covenant

Based on the Site use as an office park, surface cover and calculated cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination for the soil cleanup if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 1998 which imposed the following limitations:

Section 1. No groundwater may be taken for any use from the Property. Groundwater in Well No.2 on the property has been found to contain TCE above MTCA Method A residential standards. Although TCE above cleanup standards has not been found in the five other supply and monitoring wells on the property, to be safe this prohibition applies to all wells on the property. When four quarters of compliance monitoring of the affected well has demonstrated that the TCE has degraded to levels below cleanup standards, then this deed restriction may be lifted provided that Ecology concurs in writing (see Section 8).

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any fee 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 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 prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the 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 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 any further force or effect. However, such an instrument may be recorded only if Ecology, after Public notice and opportunity for comment, concurs.



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Section 9. By way of further clarification, Sections 2,3,4,5, and 6 of this Restrictive Covenant set forth above, shall not be construed and are not intended to prohibit the Owner of the Property from constructing, maintaining and operating on the Property a business park, consisting of buildings used by Owner or leased to third parties for office and light industrial purposes as permitted by applicable zoning ordinances, together with associated driveways, parking areas, storm drainage and landscaping; provided that (a) such use does not interfere with the integrity of the Remedial Action and continued protection of human health and the environment; and (b) such activity does not 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. Further, the Owner of the Property shall not be required to notify or obtain approval from Ecology prior to the use of the Property in accordance with this Section 9; nor shall the Owner of the Property be required to give advance written notice to Ecology of Owner's intent to lease portions of the Property for business park use, so long as such leases (1) provide a mechanism for continued monitoring, operation and maintenance of the Remedial Action; (2) restrict the use of the leased premises to activities consistent with this Restrictive Covenant; and (3) expressly reference the terms of this Restrictive Covenant.

The Restrictive Covenant is available in its entirety 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 September 28, 2011, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as an office park. A photo log is available as Appendix 6.5.

Groundwater concentrations of TCE 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. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled. The environment is not yet protected.

### **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. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

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| <b>Analyte</b>                  | <b>1991 MTCA<br/>Method A<br/>Soil Cleanup<br/>Level (ppm)</b> | <b>2001 MTCA<br/>Method A Soil<br/>Cleanup Level<br/>(ppm)</b> | <b>1991 MTCA<br/>Method A<br/>Groundwater<br/>Cleanup level<br/>(ppb)</b> | <b>2001 MTCA<br/>Method A<br/>Groundwater<br/>Cleanup Level<br/>(ppb)</b> |
|---------------------------------|--|--|---|---|
| Cadmium                         | 2  | 2  | 5   | 5   |
| Lead                            | 250  | 250  | 5   | 15  |
| TPH                             | NL   | NL   | 1000  | NL  |
| TPH-Gas                         | 100  | 100/30   | NL  | 1000/800  |
| TPH-<br>Diesel                  | 200  | 2000   | NL  | 500   |
| TPH-Oil                         | 200  | 2000   | NL  | 500   |
| <b>NL =<br/>None<br/>listed</b> |  |  |   |   |

### **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. 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 but not the environment.
- Groundwater cleanup levels have not been met at any point of compliance for the Site; however, the cleanup action for the soil 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 from exposure to hazardous substances and protecting the integrity of the cleanup action.
- Groundwater seems to be improving but is still contaminated, and continues to be monitored, and when Ecology's specified conditions have been met, the responsible person may request a full Site 'No Further Action' letter through the Voluntary Cleanup Program.

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 for the soil 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, and to monitor the groundwater.

### **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

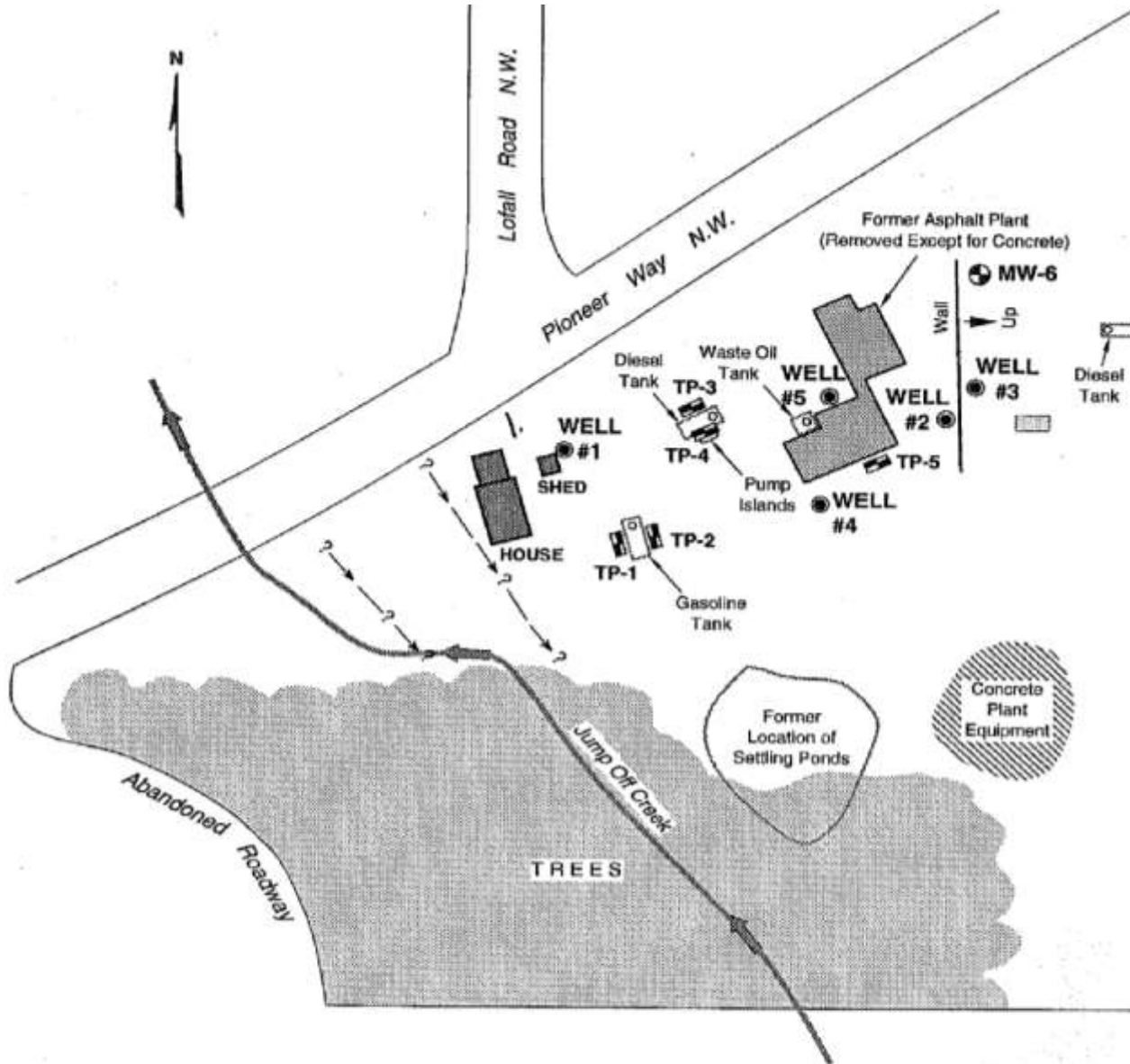
1. Independent Remedial Action Report, Twelve Trees Business Park (Former North Kitsap Gravel Pit and Asphalt Plant), 26326 Pioneer Way NW, Poulsbo, WA, by Specialized Environmental Consulting, Inc., dated November 20, 1997;
2. Letter RE: Twelve Trees Business Park Independent Remedial Action Report, by Specialized Environmental Consulting, Inc., dated March 11, 1998;
3. Letter RE: Site Assessment Twelve Trees Business Park, by J.O.J.C. Associates, Inc., dated March 23, 1993;
4. Groundwater Quality Site Assessment, 12 Trees Business Park, Kitsap County, Washington, by Shannon & Wilson, Inc., dated January 1994;
5. Letter prepared by Department of Ecology dated March 16, 1994;
6. Letter RE: Reply to Comments on “Groundwater Quality Site Assessment, 12 Trees Business Park, Kitsap County, Washington”, by Shannon & Wilson, Inc, dated April 11, 1994;
7. Other notes and correspondence in Ecology’s file;
8. Ecology, 1998, Restrictive Covenant;
9. Ecology, 2011, Site Visit.

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## **6.0 APPENDICES**

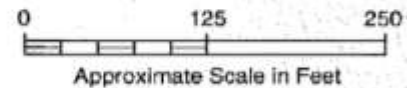


## 6.2 Site Plan



### LEGEND

- WELL #1** ● Pre-existing Supply Well Designation and Approximate Location
- MW-6** ⊕ Monitoring Well Designation and Approximate Location
- TP-1** □ Test Pit Designation and Approximate Location
- Approximate Location of Underground Storage Tank
- ? → ? Storm Drain Discharge and Flow Direction



|  |           |
|--|-----------|
| JOJC Associates<br>Kitsap County, Washington |           |
| <b>SITE AND EXPLORATION PLAN</b>             |           |
| November 1993                                | T-1483-01 |
| SHANNON & WILSON INC.                        |           |



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### **6.3 TPH-Dx Concentration Map**

not available

## 6.4 Environmental Covenant

Return To:  
Apanage Corporation  
26236 Pioneer Way NW  
Poulsbo, WA 98370



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Page: 1 of 3  
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Kitsap Co, WA

### RESTRICTIVE COVENANT

#### **TWELVE TREES BUSINESS PARK, APANAGE CORPORATION**

This Declaration of Restrictive Covenant affects the following described property:

Parcel B of the binding site plan of the Twelve Trees Business Park recorded under Auditors File Number 3098212, Volume 15, Page 2, Records of Kitsap County, Washington. Said parcel located in Section 27, Township 27 North, Range 1 East. W.M., Kitsap County, Washington. Assessors Account Number 272701-4-063-2009.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by Apanage Corporation, 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]:

1. Independent Remedial Action Report, Twelve Trees Business Park (former North Kitsap Gravel Pit and Asphalt Plant), 26236 Pioneer Way NW, Poulsbo, WA, prepared by Specialized Environmental Consulting, Inc., dated November 20, 1997.
2. Letter RE: Twelve Trees Business Park Independent Remedial Action Report dated November 20, 1997, prepared by Specialized Environmental Consulting, Inc., dated March 11, 1998.
3. Letter RE: Site Assessment Twelve Trees Business Park, prepared by J.O.J.C. Associates, Inc., dated March 23, 1993.
4. Groundwater Quality Site Assessment, 12 Trees Business Park, Kitsap County, Washington, Prepared by Shannon & Wilson, Inc., dated January 1994.

These documents and related correspondence are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of trichloroethylene (TCE) which exceed the Model Toxics Control Act Method A Residential Cleanup Level for groundwater established under WAC 173-340-720.

The undersigned, Apanage Corporation, is 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: Parcel B of the binding site plan of the Twelve Trees Business Park recorded under Auditors File Number 3098212, Volume 15, Page 2, Records of Kitsap County Washington.

Apanage 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 (hereafter "Owner").

Section 1. No groundwater may be taken for any use from the Property. Groundwater in Well No.2 on the property has been found to contain TCE above MTCA Method A residential standards. Although TCE above cleanup standards has not been found in the five other supply and monitoring wells on the property, to be safe this prohibition applies to all wells on the property. When four quarters of compliance monitoring of the affected well has demonstrated that the TCE has degraded to levels below cleanup standards, then this deed restriction may be lifted provided that Ecology concurs in writing (see Section 8).

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any fee 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 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 prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

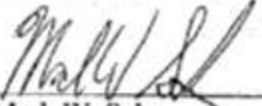
Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial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



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Kitsap Co, WA

Section 8. The owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the property or be any further force or effect. However, such an instrument may be recorded only if Ecology, after Public notice and opportunity for comment, concurs.

Section 9. By way of further clarification, Sections 2,3,4,5, and 6 of this Restrictive Covenant set forth above, shall not be construed and are not intended to prohibit the Owner of the Property from constructing, maintaining and operating on the Property a business park, consisting of buildings used by Owner or leased to third parties for office and light industrial purposes as permitted by applicable zoning ordinances, together with associated driveways, parking areas, storm drainage and landscaping; provided that (a) such use does not interfere with the integrity of the Remedial Action and continued protection of human health and the environment; and (b) such activity does not 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. Further, the Owner of the Property shall not be required to notify or obtain approval from Ecology prior to the use of the Property in accordance with this Section 9; nor shall the Owner of the Property be required to give advance written notice to Ecology of Owner's intent to lease portions of the Property for business park use, so long as such leases (1) provide a mechanism for continued monitoring, operation and maintenance of the Remedial Action; (2) restrict the use of the leased premises to activities consistent with this Restrictive Covenant; and (3) expressly reference the terms of this Restrictive Covenant.

  
Mark W. Salo  
President

STATE OF WASHINGTON )


) ss.

COUNTY OF KITSAP )

I certify that I know or have satisfactory evidence that Mark W. Salo is the person who appeared before me, and said person acknowledges that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledges it as the president of APANAGE CORPORATION to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10/1/99



  
NOTARY PUBLIC in and for the State  
of Washington, Residing at Bremerton

Elizabeth M Leonard  
(Print or stamp Name of Notary)

My appointment expires 5-30-1999



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## 6.5 Photo log

**Photo 1: Sign at business park entrance**



**Photo 2: Concrete pad remaining from asphalt plant - from the southeast**





**Photo 3: Looking north from the edge of the concrete pad**



**Photo 4: Remediation area – looking east adj. to Lofall Rd NW and Pioneer Way NW**

