



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 22, 2001

File Name ALPINE PLATING

County PIERCE

File Type TCP

Your Name PANJINI BALARAJU

Mr. Ron Nowicki, PE
Nowicki Associates
33516 9th Avenue South
Building #6
Federal Way, WA 98003

Subject: Final No Further Action Letter, Alpine Plating, 1551 Center Street, Tacoma, WA

Dear Mr. Nowicki:

Thank you for submitting the results of your independent remedial action for review by the Washington State Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the soils remediation activities at the Alpine Plating site, located at 1551 Center Street, Tacoma, Washington:

1. Correspondence from Nowicki Associates to Mohsen Kourehdar with Department of Ecology (Ecology), August 7, 2001;
2. Correspondence from Nowicki Associates to Panjini Balaraju with Department of Ecology (Ecology), July 23, 2001;
3. Correspondence from Nowicki Associates to Panjini Balaraju with Department of Ecology (Ecology), May 16, 2001;
4. Alpine Plating Company, Removal Assessment Report, Tacoma, Washington, Contract: 68-W6-0008, September 1999;
5. Subsurface Soil Sampling Report, Alpine plating, July 19, 2000; and
6. Creative Environmental Technologies, Inc., a report concerning the site, March 26, 1999.



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The above-listed reports will be kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology for review by appointment only. Appointments can be made by calling the SWRO resource person at (360) 407-6365.

Results of the confirmatory soil samples show that the contaminant concentrations are below the industrial cleanup levels. However, at limited locations on the site, chromium concentrations in the soil exceed the Model Toxics Control Act Method-A residential cleanup levels (reference 1). Because of these exceedences a Restrictive Covenant is required for the site soils. A copy of the signed Restrictive Covenant is enclosed as an attachment to this NFA letter, designating the property only for non-residential uses.

No groundwater samples were collected at the site to determine whether or not the groundwater has been impacted by this contamination. However, based on the following information, it is Ecology's opinion that the groundwater is not of any concern at this site:

- The soils contamination did not extend beyond five to six feet below ground level,
- Contaminant sources have been removed through soil excavation (reference 1, 4 and 5 above), and
- The depth of groundwater is at about 40 feet below ground level in the vicinity of the site (reference 1).

Based upon the above listed information, Ecology has determined that, at this time, the release of contaminants in the soil no longer poses a threat to human health or the environment. Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, Chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

Ecology's no further action determination is made only with respect to the releases identified in the reports listed above and applies only to the area of the property affected by the releases at the Alpine Plating site, located at 1551 Center Street, Tacoma, Washington as identified in the reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by the Alpine Plating Company.

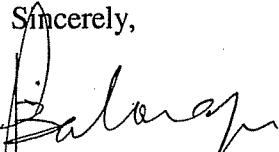
Ecology will update its databases to reflect this "No Further Action" determination.

The State, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

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If you have any questions about any of the information presented in this letter, please contact me at (360) 407-6256.

Sincerely,



Panjini Balaraju
Toxics Cleanup Program
Southwest Regional Office

cc: Pierce County Assessors Office
Chuck Cline, Ecology

ATTACHMENT

RESTRICTIVE COVENANT

August 20, 2001

Mr. Mohsen Kourehdar
Department of Ecology
Toxic Cleanup Program
Southwest Region Headquarters
P.O. Box 47775
Olympia, WA 98504-7775

Re: Alpine Plating
No Further Action Letter
Restrictive Covenant

Dear Mr. Kourehdar:

Attached is a faxed copy of the signed and recorded restrictive covenant showing the recording stamp of Pierce County as provided by the law firm of Smith Alling Lane, PS in Tacoma.

The restrictive covenant is identical to that discussed in your office and restricts the site to non-residential uses.

With the recording of the restrictive covenant all aspects of the No Further Action (NFA) letter, dated August 10, 2001 are complete. Would you please prepare a letter stating that the restrictive covenant meets the requirements of the NFA, and that the NFA is now complete so that we may proceed with the transfer of the property.

Sincerely,



Ronald E. Nowicki PE

Attachment

Cc: J. Verderico

**Smith
Alling
Lane***A Professional Services Corporation***Attorneys at Law**

1102 Broadway Plaza, #403
Tacoma, Washington 98402
Tacoma: (253) 627-1091
Seattle: (425) 251-5939
Facsimile: (253) 627-0123

Douglas V. Alling
Grant B. Anderson
Joseph R. Cicero
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Edward G. Hudson
Edward M. Lane
Linda Nelson Lyane, CPA
Robert E. Mack
Timothy M. Schallberg
Daniel C. Smith (Ret.)

Thomas F. Gallagher
Michael E. McAleenan

FACSIMILE TRANSMITTAL

TO: Mr. Ron Nowicki

COMPANY: Nowicki & Associates

FROM: Ed Hudson

RE: Richards/Alpine Plating Matter

FAX NO.: 924-0323 **PHONE NO.:** 927-5233

FILE NUMBER: 4241-02

DATE: August 17, 2001 **TIME:** 4:45 p.m.

NUMBER OF PAGES (including this cover sheet): 6

DOCUMENTS TRANSMITTED: copy of recorded Restrictive Covennat

SPECIAL INSTRUCTIONS: fyi

ORIGINAL BEING MAILED: no

TO VERIFY RECEIPT ASK FOR: Carla
(253) 627-1091, EXTENSION: 115

The information contained in this facsimile is confidential and may also be attorney-privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employce or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by a collect telephone call to (253) 627-1091 and return the original message to us at the address above via the U.S. Postal Service. Thank you.

200108160832 5 pg
 08-16-2001 03:47 PM \$12.00
 PIERCE COUNTY, WASHINGTON

Name & Return Address
 Edward G. Hudson
 Smith Alling Lane, P.S.
 1102 Broadway Plaza, #403
 Tacoma, WA 98402

Please print legibly or type information

Document Title (Or transaction contained therein) Restrictive Covenant
Grantor(s) (Last name first, then first name, middle name) Richards, Ramona, Mae, Estate of, Verderico, Leland, John, Executor Additional Names on Page ____ of Document
Grantee(s) (Last name first, then first name, middle name) The Public Additional Names on Page ____ of Document
Legal Description (Abbreviated: i.e., lot, block, plat or section, township, range) East 1/2 of Lots 16, 17, 18, 19 and 20 of Block 1, E.L. Sawyer's Addition to Tacoma, Pierce County, Washington Complete Legal Description on Page ____ of Document
Auditor's Reference Number(s)
Assessor's Property Tax Parcel/Account Number(s) 741500040
The Auditor/Recorder will rely on the information provided on this cover sheet. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

RETURN TO:

Edward G. Hudson
Smith Alling Lane
1102 Broadway, #403
Tacoma, WA 98402

RESTRICTIVE COVENANT

Alpine Plating
1551 Center Street
Tacoma, WA

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by the estate of Ramona Mae Richards, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology") to the beneficiaries of the estate of Ramona Mae Richards, their heirs, successors and assigns.

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:

- **Alpine Plating Final Report**, dated November 22, 2000 as prepared by Nowicki & Associates, Inc. for the US Environmental Protection Agency
- **Notice of Completion of Removal Action**, Alpine Plating Inc., dated December 29, 2000 from Chris D. field, Unit Manager, Office of Environmental Cleanup, US Environmental Protection Agency Region X to Nowicki & Associates, Inc.

- **Final Report** dated August 7, 2001 from Nowicki & Associates, Inc. to Washington State Department of Ecology.

THESE documents are on file at Ecology's Southwest Regional Office, SWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations chromium which exceed the Model Toxics Control Act Method METHOD A Residential Cleanup Level for SOIL established under WAC 173-340-900.

The undersigned, estate of Ramona Mae Richards, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows, the East ½ of Lots 16, 17, 18, 19 and 20 of Block 1, E.L. Sawyer's Addition to Tacoma, Pierce County, Washington.

The estate of Ramona Mae Richards 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. The Property shall be used only for non-residential uses, as defined in and allowed under the City of Tacoma's zoning regulations.

Chromium contaminated surficial soils remain above the Method A Residential Cleanup Level in limited locations under the parking areas in the rear of the present manufacturing facility.

The property may be used for non-residential purposes only until further testing confirms that the Property meets all residential standards for chromium.

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 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.

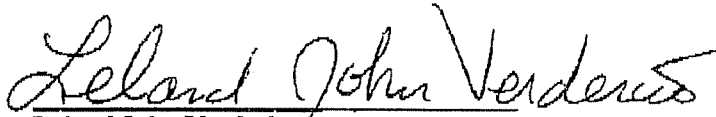
Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

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 of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.



Leland John Verderico
Executor for the Estate of Ramona Mae Richards

DATED: August 10, 2001