



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

May 25, 2001

Howard W. Small, R.G., C.P.G.
18608 89th Avenue NE
Bothell, WA 98011

Dear Mr. Small:

Re: Independent Remedial Action
Newman's Chevron, Bremerton, WA

The Toxics Cleanup Program has completed the review of the remedial action report submitted for the referenced site and finds the available information adequate to make a final determination regarding the disposition of the site.

The Department of Ecology (Ecology) is prepared to issue a No Further Action (NFA) determination, provided a Restrictive Covenant is filed with the Kitsap County Assessor's office. The Model Toxics Control Act regulations, specifically WAC 173-340-440(6) requires you to notify and seek comment from the City of Bremerton, a department with land use planning authority for the real property subject to the Restrictive Covenant.

The enclosed Restrictive Covenant is based on a model that has been approved by the Office of the Attorney General. Any changes to the Covenant with regard to its prohibitions, terms or requirements will generally not be considered or accepted. If you believe there is an error in the technical details regarding the contamination remaining on site, please contact me so we can discuss the issue and revise the covenant, if necessary. It may be necessary to have the Restrictive Covenant reformatted to meet the requirements of the County Auditor.

Please provide Ecology with:

1. A notarized copy of the Restrictive Covenant once it has been recorded. Copies must be legible and the recording number must be evident.
2. A copy of the correspondence to, and the response from, the department with land use planning authority for the real property subject to the Restrictive Covenant

Newman's Chevron
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Once we have received this confirmation that the covenant has been recorded, we will issue the No Further Action letter. The NFA determination will automatically terminate if any portions of the Restrictive Covenant are violated.

If you fail to record this Restrictive Covenant, Ecology will not issue its No Further Action determination and the site will continue to appear in future publications of the Leaking Underground Storage Tank (LUST) List. If the site does not currently appear on either, it will be added to the appropriate report.

Please contact me at (425) 649-7187, if you have any questions regarding the process or the Restrictive Covenant.

Sincerely,

A handwritten signature in black ink, appearing to read "Sunny Lin", with a long, sweeping line extending upwards and to the right from the end of the signature.

Sunny Lin, P.E.
Toxics Cleanup Program

Enclosure

Bob and Karen Newman
2021 6th Street
Bremerton, WA 98337

RESTRICTIVE COVENANT

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440 Bob and Karen Newman of Property Owner, their successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description:

Tax Parcel I.D. #:

RESTRICTIVE COVENANT

Newman's Chevron

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

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document:

"Additional Subsurface Assessment, Interim TPH Evaluation, and Soil Excavation Report" by GeoScience Management, Inc. dated March 26, 2001

The document is on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the soil underneath the existing Underground Storage Tanks (USTs) may potentially be contaminated by petroleum products. No samples were taken at the bottom of the excavation pits when the six old USTs were removed in August 1990.

The undersigned, Bob and Karen Newman, are the fee owner of real property (hereafter "Property") in the County of Kidadap, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

[imagine your legal description here]

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

Section 1: The Owner shall not alter, modify, or remove the existing USTs 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.

Section 2. Any activity on the Property that may interfere with the integrity of the existing USTs 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

Newman's Chevron

Page 2

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) 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 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.

[NAME OF PROPERTY OWNER]

[DATE SIGNED]

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

5-30-01; 2:37PM
425 649 7161
DEPT ECOLOGY TCPI

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

May 25, 2001

Howard W. Small, R.G., C.P.G.
18608 89th Avenue NE
Bothell, WA 98011

Post-It® Fax Note 7671		Date	# of pages ▶
To	Howard Small	From	Sunny Becker
Co./Dept.		Co.	
Phone #		Phone #	425 649-7187
Fax #	425 482 9453	Fax #	

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Co./Dept.		Co.	
Phone #		Phone #	425 649-7187
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Total Pages Scanned : 5 Total Pages Confirmed : 5

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	114	8-125118-4254829453	5-30-01; 2:34PM	2'22"	5/ 5	EC		CP 9600

** Notes **

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
LS: Local Scan	LP: Local Print	FO: Forced Output	WT: Waiting Transfer

425 508 5020

cell

fax

425 508 5020

Howard W. Small

may 30, 01

(1) Uncertain of bottom of tanks

(2) excavation around (A) and B-5 "cork" excavation

(B) not found.

(3) 2000 ppm derivation.

(4) WAC 173-360 for active tanks
assessment is required

- section 385 permit closure

390

4 4000 tanks in 40 x 50 ft area

1 6000 tanks

3 unknown location of bottom samples
are still questionable.