



PERIODIC REVIEW

**North Point Apartments
Facility Site ID#: 43112633**

**1001 East Marine View Drive,
Everett, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

August 2016

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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 North Point Apartments (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 (VCP). The cleanup actions resulted in concentrations of arsenic 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 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, 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 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 Description and History

This Periodic Review pertains to the independent remedial action activities conducted at the North Point Apartment Site (SEPA #73-98), 1001 East Marine View Drive in Everett, Washington, 3/4 miles northeast of downtown Everett. The Site was an undeveloped lot at the time this cleanup action took place. The Site is bordered on the west by Marine View Drive, on the south by 11th Street, on the North by an apartment complex and on the east by a rail yard. The Site is situated in the NE quarter of Section 17, Township 29 North, Range S East, Willamette Meridian, in Snohomish County, Washington. The tax identification number is 2905-1700-100500. Currently there are apartments for seniors for lease. The taxpayer is Vintage at Everett, LP.

The lot is 4.22-acre, rectangular in shape with approximate dimensions of 600 feet north to south and 335 feet east to west. It is fronted on the west side by East Marine View Drive and is flat in an eastward direction for 30 to 40 feet then drops steeply 10-15 feet in elevation. The Site slopes from this point downward to the eastern property line. The western border of the Site is at an approximate elevation of 90 feet above sea level. The eastern boundary of the Site is approximately 30 feet above sea level. Prior to remediation activities the Site was well vegetated with numerous trees and dense underbrush. The vegetation was all removed during Phase I remediation activities and the Site was then covered with a thin layer of wood chips and straw for dust control purposes. GeoTech Consultants Incorporated performed test pitting at the Site in July 1998 to facilitate a geotechnical engineering study on subsurface conditions and the suitability of construction of a multi-residential development. Boring logs from this study indicate that the over the majority of the Site a 6-12 inches of topsoil layer was underlain by native soils consisting of 3 to 5 feet of loose to medium dense, brown, weathered, silty sand with gravel which then became gray and very dense. The silty sands were referred to as glacier till. The till exhibits relatively low vertical hydraulic conductivity. The western portion of the Site, which was the focus of the Phase II remediation activities, consisted of 6-10 feet of fill material, mostly loose silty sand with some concrete and asphalt debris. The fill layer was underlain by glacier till. The Site's topsoil layer was removed during Phase I and Phase II remediation activities.

Groundwater was not encountered on-Site during any test pitting, boring or excavation activities. Geotech Consultants Phase I Site Assessment noted that the native till on-Site exhibits low vertical hydraulic conductivity, which frequently results in formation of a perched water table along its upper contact. The perched water table would be seasonal and derive recharge primarily from infiltration of precipitation through more permeable overlying soils. The assessment also noted that based upon local drainage patterns and a review of a Geological Survey map, the likely flow of surface or shallow subsurface water would be to the east to the Snohomish River.

2.2 Site Investigations and Sample Results

The property is located within the southeastern portion of the area designated as the Everett Smelter Site. A smelter processing lead, gold, silver and arsenic ore operated in the area from 1894 to 1912. It was discovered in 1990 that many of the properties surrounding the smelter were impacted by air emissions from the smelter stacks and had elevated levels of arsenic in Site soils. GeoTech Consultants performed a Phase I Site Assessment in November 1997 on the property and a Phase II Site Assessment in March 1998 to determine the extent of arsenic contamination from the ASARCO smelter. The Phase II assessment consisted of collection of 41 soil samples from the Site at twelve locations. No samples were taken on the western slope. Sample depth varied from surface to 30 inches bgs. Samples were analyzed for total arsenic concentration. Based on the sampling results, GeoTech Consultants concluded that throughout the Site, arsenic concentrations in shallow surface soils above 24 inches bgs exceeded MTCA Method A cleanup levels (20 ppm). The volume of arsenic impacted soils was estimated to be 5100 cubic yards. This material was removed during the Phase I remedial action activities. During Phase I activities, Envirocon obtained samples from the steeply sloped area on the western side of the Site. Sample analysis showed arsenic concentrations in the slope were considerably higher than the rest of the Site and ranged from 70-500 ppm at 6 inches in depth bgs. Further test pits were performed on the slope to determine the vertical and lateral extent of soils exceeding the cleanup level of 20 ppm. The results of the test pitting indicate that elevated arsenic concentrations were prevalent throughout the western side of the Site to an average depth of 9 feet. Levels range from 28-2600 ppm, with an average value of approximately 300 ppm. The contamination appeared to be associated with fill material in this area. The depth of the fill layer ranged from 6- 10 feet bgs with most areas reaching a native glacial till by 10 feet bgs. The volume of arsenic impacted soils was estimated to be 12000 cubic yards. This material was removed during the Phase II remedial action activities.

The Site was broken into 86 by 86 feet grids for sampling purposes. Soil samples were taken from excavation bottoms following initial excavation of an area. Three samples were taken per grid with the maximum spacing being at 50 feet intervals, and analyzed by a state certified laboratory for total arsenic content. Areas exceeding the cleanup levels of 20 ppm or 500 ppm arsenic in the landscape area (4 feet bgs and below) were excavated in 30 by 30 feet sections and re-sampled. Approximately 10% of confirmation samples from Phase II were also analyzed for total lead content. No lead samples exceeded the MCTA Method A limits of 250 ppm.

2.3 Cleanup Actions

Off-Site disposal with a smaller area of isolation, containment and control was chosen as the remedial action to be implemented at the Site. This option was chosen due to a number of factors including the planned development of the Site into multi-unit residential dwellings, the shallow depth and ease of excavation of most the contamination, the accelerated time frame in which the cleanup needed to be completed, and the costs of off- Site disposal in comparison to any other feasible options such as on-Site containment. Remedial Actions were evaluated by seven MCTA criteria:

-
- Short term Effectiveness
 - Ability to achieve permanent reductions in toxicity, mobility; and volume
 - Long-term effectiveness
 - Overall protection of human health and the environment
 - Implementability;
 - Cleanup costs
 - Degree to which community concerns are addressed

Off-Site disposal with a smaller area of isolation, containment, and control effectively meets the requirements of each of the seven evaluation criteria. It minimized the risk to human health and the environment, addressed the concerns of the community, could be readily implemented and was a cost effective option.

The cleanup work on this project included excavation and off-Site disposal in two phases of approximately 16,000 cubic yards (25,000 tons) of arsenic containing soils above the MTCA residential action level (20 parts per million [ppm]), and performance of confirmation sampling to verify that action levels have been met. Envirocon excavated and transported off-Site in August 2000 approximately 5,100 cubic yards (8,000 tons) of impacted soils in the first phase. These soils represented the original removal area footprint as determined by a previous Site Assessment performed by GeoTech Consultants in 1998. The Site was segmented into 86 by 86 foot grid squares, and soils were removed to predetermined depths based on the Site Assessment. Most excavations were 6-12 inches deep. Confirmation samples were taken after initial soil removal, and in areas not meeting the cleanup goals, a 30 by 30 foot grid centered around the confirmation sample was excavated to an additional 6-12 inches in depth (dependent on arsenic concentration of failing sample) and resampled. During excavation activities Envirocon obtained samples from the slope on the western side of the Site. After the removal of Site vegetation it became apparent that the material in the slope was visibly different in grade and appearance from the rest of the Site and appeared to be fill brought into the Site. Sample analysis showed arsenic concentrations in the slope were considerably higher than the rest of the Site and ranged from 70-500 ppm at 6 inches in depth below ground surface (bgs). Further test pits were performed on the slope to determine the vertical and lateral extent of soils exceeding the cleanup level of 20 ppm. The results of the test pitting indicated that the entire slope contained soils with elevated arsenic concentrations. Levels ranged from 28-2600 ppm, with an average value of approximately 300 ppm. The depth of the fill appeared to range from 6 - 10 feet bgs with most areas reaching a native silt layer by 10 feet bgs. So, the slope consisted of fill material and that the majority of it would have to be removed to meet the cleanup goals of 20 ppm total arsenic for surface soils and 500 ppm for soils four feet and deeper bgs. Envirocon estimated that an additional 12,000 cubic yards (18,000 tons) of arsenic impacted soils would need to be removed from this area.

Envirocon demobilized from the Site on August 30, 2000 to await the results of test pit sampling and the resolution by its client of issues concerning the responsibility for funding of additional remediation. Envirocon remobilized to the Site in mid-February 2001 to remove the impacted slope soils as well as complete the removal of any remaining hot spots in the original excavation footprint. From mid-February to mid-April Envirocon excavated and transported off-Site another 17,500 tons of impacted soils. Grid areas that are situated in the future location of building

foundations were excavated to depths of 9-11 feet bgs in order to meet the cleanup levels of 20 ppm arsenic. A 20 foot wide strip on the western side of the slope was excavated to 4-6 feet bgs for a landscape strip. A demarcation fabric consisting of 4 ounce non-woven geotextile was placed at the excavation bottoms in the landscape area to delineate contaminant removal boundaries for future construction personnel. In addition to the western slope removal, several grid squares in the Phase I removal area were re-excavated to address hot spots still above the cleanup level of 20 ppm total arsenic. Approximately 11,300 cubic yards of contaminated soil was removed during Phase II remediation activities. After sampling confirmed that cleanup goals had been achieved, Envirocon demobilized from the Site.

A groundwater investigation was not conducted nor deemed necessary for a number of reasons. Groundwater was not encountered during any of the boring, test pitting or excavation activities conducted on-Site. The contaminant of concern was arsenic, which has low mobility in soils, and Site testing indicated no evidence of migration of metals to underlying soils. The geologic unit that characterizes the Site is relatively low permeability. Shallow groundwater would be seasonal and transitory at the Site. It is not believed that there are any potential groundwater users near the Site as the area's potable water is provided by Spada Lake Reservoir.

2.4 Cleanup Levels

Cleanup standards used for this independent remedial action were determined using the State of Washington Model Toxics Control Act (MCTA) Method A cleanup levels for hazardous substances in soil and the remediation levels established in The Washington State Department of Ecology's Integrated Final Cleanup Action Plan and Final Environmental Impact for the Upland Area for the Everett smelter Site. Arsenic cleanup standards in soil were set at 20 ppm for all areas on-Site with the exception of the landscape strip. This was a 20 foot wide area on the western boundary of the Site, which was to be excavated to a depth of 4-6 feet below ground surface and backfilled with imported fill sand. Due to the depth of clean overburden fill soils the cleanup standard for the landscape strip was established at 500 ppm for arsenic.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2001 which imposed the following limitations:

Section 1. A 20 foot wide strip on the western side of the slope along East Marine View Drive was excavated to 4-6 feet below ground surface for a landscape strip. A demarcation fabric consisting of 4 oz. nonwoven geotextile was placed at the bottom of the excavation in the landscape area to delineate contaminant removal boundaries for future construction personnel. Soils below this fabric contain arsenic that exceeds 500 mg/kg (parts per million). This area of arsenic contaminated soils is covered with a minimum of four feet of clean fill material and serves to prevent direct contact with the contaminated soil. In addition, the demarcation fabric serves to delineate the boundaries for future development.

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.

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) 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 maintenance of the soil cover.

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.

The Restrictive Covenant is available 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 April 6, 2015, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The soil cover of the landscape area appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as an apartment building. A photo log is available as Appendix 6.5.

Soils with arsenic concentrations 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 with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

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. 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, the levels for contamination at the Site were not changed.

3.4 Current and projected Site use

The Site is currently used for residential 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 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 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 and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action 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 and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.
- The 'No Further Action' (NFA) letter issued by Ecology was for an entire Site, but since the Site as defined by MTCA consists of the larger Everett Smelter Site, it may be more appropriate to issue a 'Property Specific' NFA letter. The decision for this potential change will be made by the Unit Supervisor for the VCP Unit. The use of the word 'Site' in this Periodic Review equates to the North Point Apartment property, and is not the same as the MTCA definition.

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 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.

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.

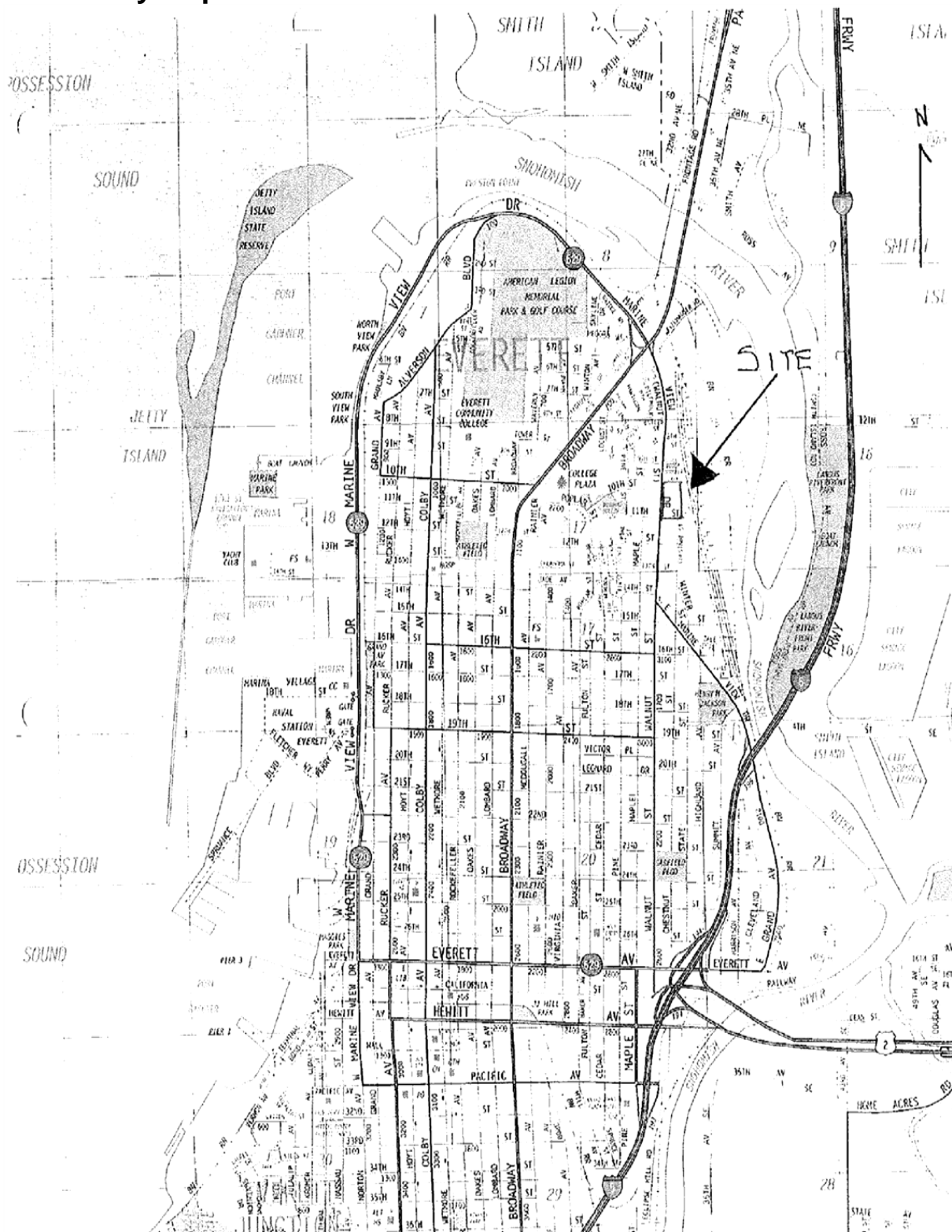
5.0 REFERENCES

Documentation of Site Assessment, and remediation conducted at the Site has been provided in the reports listed below:

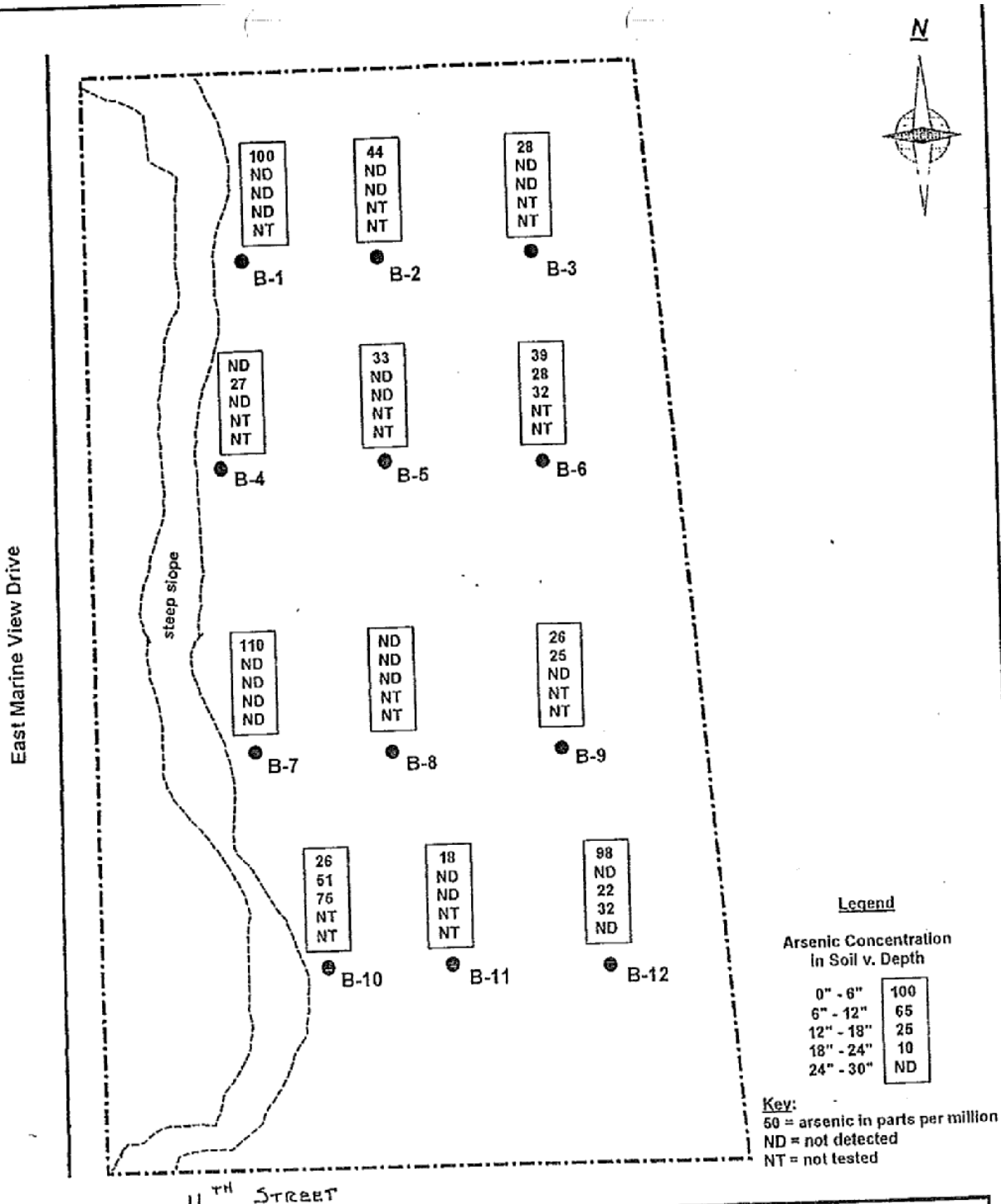
- *Phase 1 Environmental Site Assessment, Undeveloped Land*, East Marine View Drive Everett, Washington Geotech Consultants, Inc., November 10, 1997;
- *Phase 2 Environmental Site Assessment, Undeveloped Land*, East Marine View Drive Everett, Washington Geotech Consultants, Inc., March 20, 1998;
- *Geotechnical Engineering Study, Proposed North Point Apartments*, East Marine View Drive Everett, Washington, Geotech Consultants, Inc., August 17, 1998;
- *Remedial Action Work Plan North Point Apartments Site*, Everett, Washington Envirocon, Inc., February 12, 2001;
- *Final Independent Remedial Action Program Report, North Point Apartments Site*, Everett, Washington, Envirocon, Inc., April 30, 2001.
- 2001 Restrictive Covenant.
- Ecology, 2010, Site Visit.
- Ecology, 2015, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



GEOTECH
CONSULTANTS, INC.

SAMPLE LOCATION PLAN
Undeveloped 4.22-Acre Parcel
East Marine View Drive
Everett, Washington

6.3 Arsenic Concentration Map

Please see previous map (Site Plan).

6.4 Environmental Covenant

RETURN ADDRESS

STEFFEN JACOBSON
PO Box 394
GRAYLAND WA 98547



200108140640
08/14/2001 03:51 PM Snohomish
P.0006 RECORDED County

200108140640

Please print neatly or type information
Document Title(s)

RESTRICTIVE COVENANT

Reference Number(s) of related documents

Additional Reference #'s on page ____

Grantor(s) (Last, First, and Middle-Initial)

STEFFEN JACOBSON

ANN M. STOCKTON

Additional Grantors on page ____

Grantee(s) (Last, First, and Middle Initial)

PUBLIC

Additional Grantees on page ____

Legal Description (abbreviated form i.e. lot, block, plat or section, township, range, quarter/quarter)

S-17 T-29 R-5

Assessor's Property Tax Parcel/Account Number

2905 1700 100500

Additional parcel #'s on page ____

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

***Signature required only if requesting Non-Standard document processing:**

*I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Steffen Jacobson
Signature of Requesting Party

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08/14/2001 03:51 PM
P.0006 RECORDED
200108140640
Snohomish
County

RESTRICTIVE COVENANT

Steffen Jacobson/Ann M. Stockton-Northpoint Apt. Site
East side of East Marine View Drive between 10th and 11th Street, Everett, WA

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Steffen Jacobson/Ann M. Stockton, 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:

Final Independent Remedial Action Program Report
Northpoint Apartments Site
Everett, Washington
Envirocon, Inc. dated April 30, 2001

This document is on file at Ecology's Northwest Regional Office in Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of arsenic which exceed the Model Toxics Control Act Method Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Steffen Jacobson/Ann M. Stockton, are the fee owners of real property (hereafter "Property") in the County of Snohomish, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described [AS FOLLOWS: (insert legal description language)] -or- [IN ATTACHMENT A OF THIS RESTRICTIVE COVENANT AND MADE A PART HEREOF BY REFERENCE (attach document containing legal description)].

Steffen Jacobson & Ann M. Stockton 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. A 20 foot wide strip on the western side of the slope along East Marine View Drive was excavated to 4-6 feet below ground surface for a landscape strip. A demarcation fabric consisting of 4 oz. nonwoven geotextile was placed at the bottom of the excavation in the landscape area to delineate contaminant removal boundaries for future construction personnel. Soils below this fabric contain arsenic that exceeds 500 mg/kg (parts per million). This area of arsenic contaminated soils is covered with a minimum of four feet of clean fill material and serves to prevent direct contact with the contaminated soil. In addition, the demarcation fabric serves to delineate the boundaries for future site development.

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.

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) 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 maintenance of the soil cover.

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.

Steffen Jacobson
Steffen Jacobson

13 AUGUST 2001
[DATE SIGNED]

Ann M. Stockton
Ann M. Stockton

14 AUGUST 2001
[DATE SIGNED]

NOTE: The Property Owner must have this restrictive Covenant notarized.]

Steffen Jacobson/Ann M. Stockton
PO Box 396
Grayland, WA 98547

RESTRICTIVE COVENANT

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

Legal Description:

Tax Parcel I.D. #: 29051700100500

LEGAL DESCRIPTION

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SECTION 17, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M. IN SNOHOMISH COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE EAST LINE OF WALNUT STREET WHERE IT INTERSECTS THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH ALONG THE EAST LINE OF WALNUT STREET 205 FEET; THENCE EAST TO THE WEST LINE OF THE GREAT NORTHERN RAILROAD RIGHT-OF-WAY; THENCE SOUTH ALONG SAID RIGHT-OF-WAY TO THE NORTH LINE OF 11TH STREET; THENCE WEST ALONG THE SAID NORTH LINE OF 11TH STREET TO THE EAST LINE OF WALNUT STREET; THENCE NORTH ALONG THE EAST LINE OF WALNUT STREET TO THE TRUE POINT OF BEGINNING.

Acknowledgment by Individual

State of WA.

County of King

On this 14th day of August, 2001

before me, MICHAEL P. RAINERI
Name of Notary Public

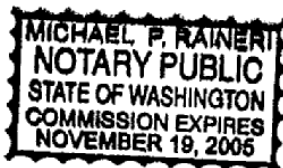
the undersigned Notary Public, personally appeared

Stetten Jacobson & Ann M. Stockton
Name of Signer(s)

- ☐ Proved to me on the oath of _____
☒ Personally known to me
☐ Proved to me on the basis of satisfactory evidence _____
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and
acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Michael P. Raineri
(Signature of Notary Public)

My commission expires _____

(seal)

OPTIONAL

*Though the information in this section is not required by law, it may prevent fraudulent removal and reattachment of this form
to another document and could prove valuable to persons relying on the document.*

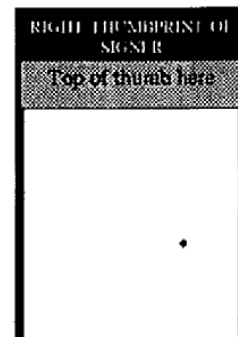
Description of Attached Document

Type or Title of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

NP 017 (Rev. 4/98)



6.5 Photo log

Photo 1: Sign at entrance



Photo 2: Entrance, showing a portion of planting strip



Photo 3: North end of the property.



Photo 4: Units and planting strip

