



## **Second Periodic Review**

Costco Wholesale 670  
5601 East Sprague Avenue  
Spokane Valley, Washington 99212

Facility Site ID#: 82832887  
Cleanup Site ID#: 1073

Prepared by:  
Washington State Department of Ecology  
Eastern Region Office  
Toxics Cleanup Program

December 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 assure human health and the environment are being protected at the Costco Wholesale 670 site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in April 2012. This periodic review will evaluate the period from 2012 through November 2016.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP) with VCP No. EA0068. The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH), polycyclic aromatic hydrocarbons (PAHs), lead, cadmium, zinc, and mercury in soil exceeding MTCA Method A cleanup levels remaining at the Site established under WAC 173-340-740(2). It was determined that institutional controls in the form of a restrictive covenant would be required for the site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology to conduct a periodic review of a site every five years under the following conditions:

1. Whenever Ecology conducts a cleanup action.
2. Whenever Ecology approves a cleanup action under an order, agreed order or consent decree.
3. Or, as resources permit, whenever Ecology issues a no further action opinion
4. And one of the following conditions exists:
  - (a) Institutional controls or financial assurance are required as part of the cleanup.
  - (b) Where the cleanup level is based on a practical quantitation limit.
  - (c) 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 Ecology shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions.
- (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.

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- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

Ecology 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 Costco Wholesale 670 site is located at 5601 East Sprague Avenue within the incorporated city limits of Spokane Valley, Washington. The Site is bordered by railroad tracks to the north, vacant former railroad property to the west, commercial property to the east, and commercial property and Sprague Avenue to the south.

Historically, the Site consisted of two parcels. Records from 1912 indicate the northern portion of the Site was owned by the Chicago-Milwaukee and Puget Sound Railroad and the Oregon-Washington Railroad. A rail line transected the southern portion of the Site, near the current southern Site boundary. The Site remained undeveloped until the early 1950s, when the Site was developed into a switchyard and rail yard. By the early 1960s, a roundhouse had been constructed next to the west property boundary, and railroad-related shops were located on the Site, including a shop, a carpenter's shop, coal and ice buildings, a tank, and several other structures. By the early 1970s these buildings had been removed, and the entire main portion of the Site was used for switching and siding of railcars. By the late 1980s to early 1990s, most of the railroad tracks had been removed from the Site. The eastern portion of the Site was owned by the Federal Match Company from about 1930 until about 1957. Following this period, these lots were occupied by a construction company, a utility trailer service company, and a bottled gas company. In the mid-1990s, most of the buildings had been demolished. By the late 1990s, Home Depot owned the Site, and a paved access driveway and stormwater runoff swale were constructed across the northern portion of the Site. The property was purchased by Costco in 2000, and a 147,000 square foot wholesale store and gasoline retail facility are now located on the 17-acre property.

Depth to groundwater at the Site is estimated to be greater than 50 feet below ground surface (bgs). Groundwater flow is projected to be to the west.

A vicinity map is available as Appendix 6.1, and a Site plan is available as Appendix 6.2.

### **2.2 Previous Home Depot Site Investigations and Remedial Actions**

In 1995, Home Depot conducted Phase I and Phase II environmental assessments of the main portion of the Site (rail yard), which included soil and groundwater sampling. In addition, the former Site owner (Union Pacific Railroad) performed supplemental soil and groundwater sampling. Results of these investigations indicated that soil contained concentrations of lead, cadmium, mercury, zinc, and TPH above MTCA Method A cleanup levels.

Following the investigation, approximately 36,000 cubic yards of contaminated soil were removed from the property. In addition, approximately 1,900 cubic yards of soil were placed

into engineered containment cells located under the Home Depot parking lot. In 1999, Home Depot was granted NFA status from Ecology.

## **2.3 Costco Site Investigations and Remedial Actions**

In 2000, Costco conducted a Phase I and II assessment of their property. The assessments included soil sampling, drilling two borings, and excavating more than 40 test pits. Analytical results indicated that near-surface soil at various locations (TP-18, TP-40, TP-41, SS-4, SS-7, SS-8 and SS-10) in the southwest corner of the Site were impacted with metals (lead, cadmium, zinc, and mercury), TPH, and PAHs at concentrations exceeding cleanup levels. Samples collected at depth (up to 3 feet bgs) from SS-7 and TP-40 were below cleanup levels. Results also indicated that the central-eastern portion of the Site (TP-17, TP-36, and TP-39) and the central and western portions of the Site (TP-4 and TP-32) were impacted with lead, PAHs, and TPH at concentrations exceeding cleanup levels. These areas appeared to be associated with in-place railroad ballast material present at the Site. In addition, approximately 1,000 cubic yards of stockpiled soil and debris in three stockpiles contained concentrations of lead, cadmium, zinc, and TPH at concentrations exceeding cleanup levels.

Remedial activities were conducted from August 1 to 15, 2000, and consisted of removal and temporary stockpiling of the impacted ballast material and contaminated soil. Activities also included final placement of ballast and soil into on-site containment cells. The previous owner (Home Depot) removed the 1,000 cubic yards of stockpiled soil and debris from the Site.

Approximately 5,000 cubic yards of impacted ballast were removed from the central portion of the Site and temporarily stockpiled in the southwest portion of the Site. The impacted ballast was removed to a depth of about 1 foot bgs using road graders. The impacted ballast was temporarily stockpiled over contaminated soil areas. The stockpiled impacted ballast, underlying contaminated soil, and the contaminated soil located on Lots 22 and 23 were excavated and transferred to containment areas.

The impacted soil and ballast material were consolidated in two containment cells. Each containment area was excavated to a depth of 6 feet bgs. About 1 foot of clean soil was placed and compacted over each cell. The entire containment area was then capped with 6 inches of compacted base coarse gravel and 4 inches of continuous asphalt concrete pavement.

According to the Independent Remedial Action Report, Costco is required to conduct annual monitoring of the asphalt cap. Activities should include physical inspection and annual documentation of the integrity of the cap and repairs to the surface, as needed. In addition, a restrictive covenant will be placed on the property.

Confirmation samples were collected following removal of the impacted ballast and contaminated soil. Twenty-three soil samples were collected from the soil that was exposed following excavation of the impacted ballast (CS-1 through CS-23). All samples were analyzed

for lead; samples CS-1, CS-2, CS-11, CS-22, and CS-23 were also analyzed for diesel and oil-range hydrocarbons and PAHs. Sample CS-11 was also analyzed for gasoline-range hydrocarbons. Results indicated that the impacted ballast was removed and that all contaminant concentrations were below cleanup levels.

Eleven soil samples were collected from the soil that was exposed after excavation of the contaminated soil located in the southwest portion of the Site (CS-A through CS-H) and Lots 22 and 23 (CS-I, CS-J, and CS-J2). Samples CS-A through CS-H were analyzed for cadmium, lead, mercury, diesel, oil-range hydrocarbons, and PAHs. Samples from Lots 22 and 23 were analyzed for lead. All results were non-detect or below cleanup levels, with the exception of sample CS-J, which had a lead concentration of 513 milligrams per kilogram (mg/kg). An additional 2 feet of soil was removed from this area and was then resampled (CS-J2). Results were below cleanup levels.

Confirmatory soil sample data is available as Appendix 6.3.

## **2.4 Cleanup Levels and Points of Compliance**

Soils at the Site were evaluated for compliance using Ecology's Interim TPH Policy, which was applicable at the time cleanup was conducted. Based on results from extractable petroleum hydrocarbons/volatile petroleum hydrocarbons analysis, a Site-specific cleanup level of 3,871 mg/kg was calculated for TPH.

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.”

As a result, the cleanup levels calculated for the Site in 1997 are still applicable and will continue to be used to determine whether the remedy implemented at the Site is protective of human health and the environment.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on groundwater protection, as they are for this Site, the point of compliance is established as soils throughout the Site.

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## 2.5 Site Closure

It was determined that the Site would be eligible for an NFA determination with the implementation of institutional controls in the form of a restrictive covenant. A covenant was recorded for the Site in 2006. The restrictive covenant imposes the following limitations:

1. Any activity on that portion of the Property that includes the two (2) encapsulation areas depicted in the Report and on Exhibit A of the restrictive covenant attached hereto that might 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. Examples of activities that are prohibited in the two (2) encapsulation areas include, without limitation, drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capacity, piercing the surface with a rod, spike or similar item, and/or bulldozing or earthwork.
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.
3. Any activity on the Property that might 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 creates a new exposure pathway, is prohibited without prior written approval from Ecology.
4. Owner must give thirty (30) days advance written notice to Ecology of Owner's intent to convey any interest in the Property. Owner shall not consummate any conveyance of title, easement, lease, or other interest in the Property without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.
5. 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.
6. 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.
7. 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.
8. Owner 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**

During the Site visit conducted on October 27, 2016, there were no indications that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a Costco Wholesale store, and is surrounded by a mix of commercial and industrial use properties. A photo log is available as Appendix 6.5.

#### **3.1.1 Direct Contact**

Cleanup actions at the Site were intended to eliminate human exposure to contaminated soils at the Site. Exposure pathways to contaminated soils (ingestion, direct contact) were reduced by remedial excavation and by the presence of protective Site surfaces including asphalt, building foundations, and concrete. The Site has no access restrictions; however, contaminated soils do not pose a risk by direct contact without significant Site surface disturbance and excavation.

#### **3.1.2 Protection of Groundwater**

Soils with concentrations of lead, cadmium, mercury, zinc, and TPH exceeding MTCA Method A cleanup levels remain at the Site; however, the majority of the contaminated soil source material has been removed or is contained in engineered containment cells beneath impermeable surfaces. Groundwater is not expected to be impacted at the Site because water is located at depths greater than 50 feet bgs. The engineered containment cells and impermeable surfaces will prevent leaching by surface water and reduce risk of future degradation of groundwater quality.

#### **3.1.3 Institutional Controls**

Institutional controls in the form of a restrictive covenant were implemented at the Site in 2006. The covenant remains active and discoverable through the Spokane County Auditor's Office. There is no evidence a new instrument has been recorded that limits the effectiveness or applicability of the covenant. This covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the covenant. This covenant serves to assure the long-term integrity of the surface cover and the remedial action.

### **3.2 New Scientific Information for Individual Hazardous Substances for Mixtures Present at the Site**

There is no new relevant scientific information for the hazardous substances remaining at the Site.

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### **3.3 New Applicable State and Federal Laws for Hazardous Substances Present at the Site**

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

### **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. The current Site use is not likely to have a negative impact on the protectiveness of the remedy.

### **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 MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action for the Site is determined to comply with cleanup standards under WAC 173-340-740(6) (f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The covenant for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, Ecology has determined the requirements of the covenant are being followed. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure the integrity of the cap 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

GeoEngineers. *Report of Independent Remedial Action*. June 14, 2001.

Ecology. *VCP Review*. July 27, 2001.

Costco Wholesale Corporation. *Restrictive Covenant*. May 17, 2006.

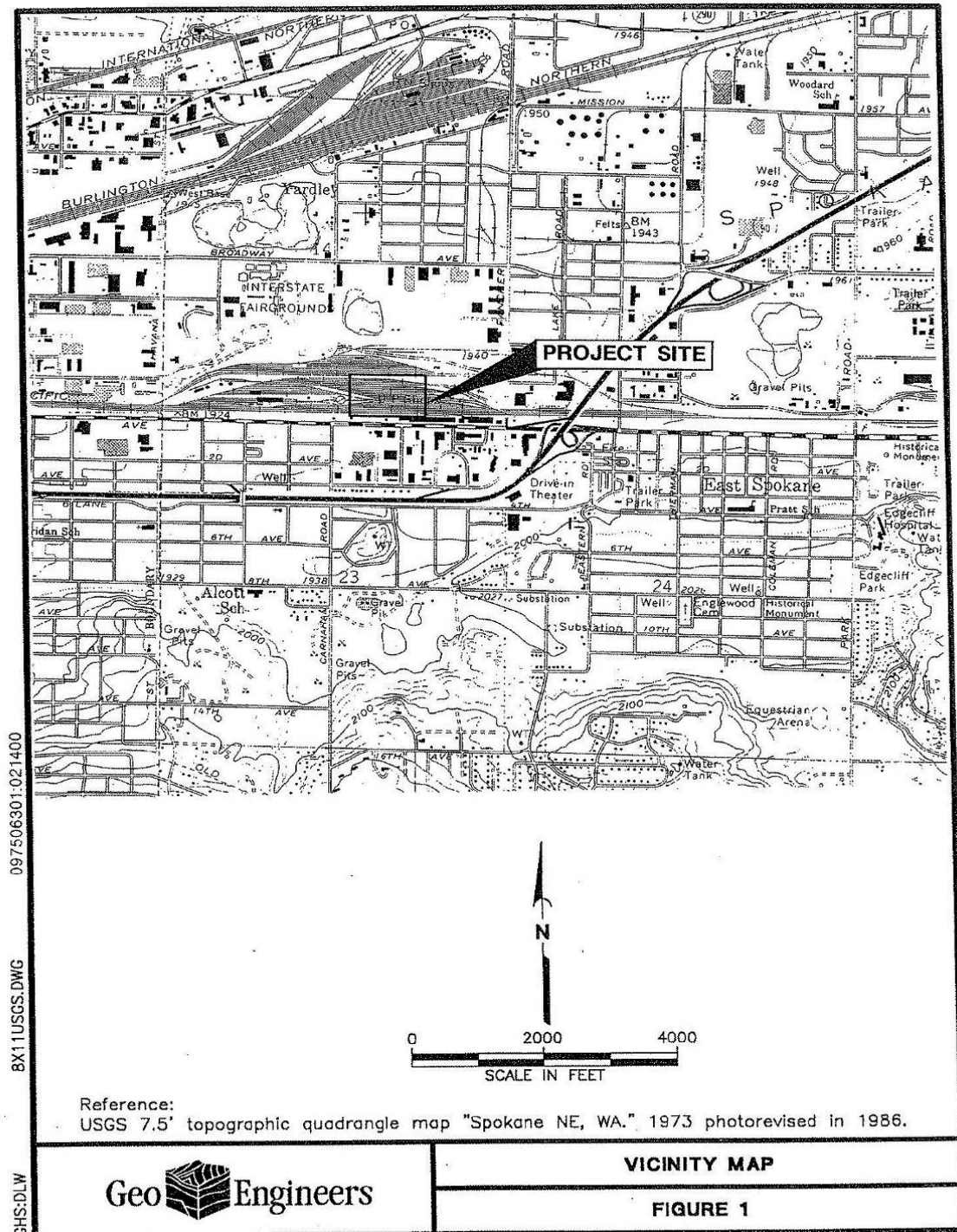
Ecology. *No Further Action Determination Letter*. July 24, 2006.

Ecology. *Periodic Review*. April 27, 2012.

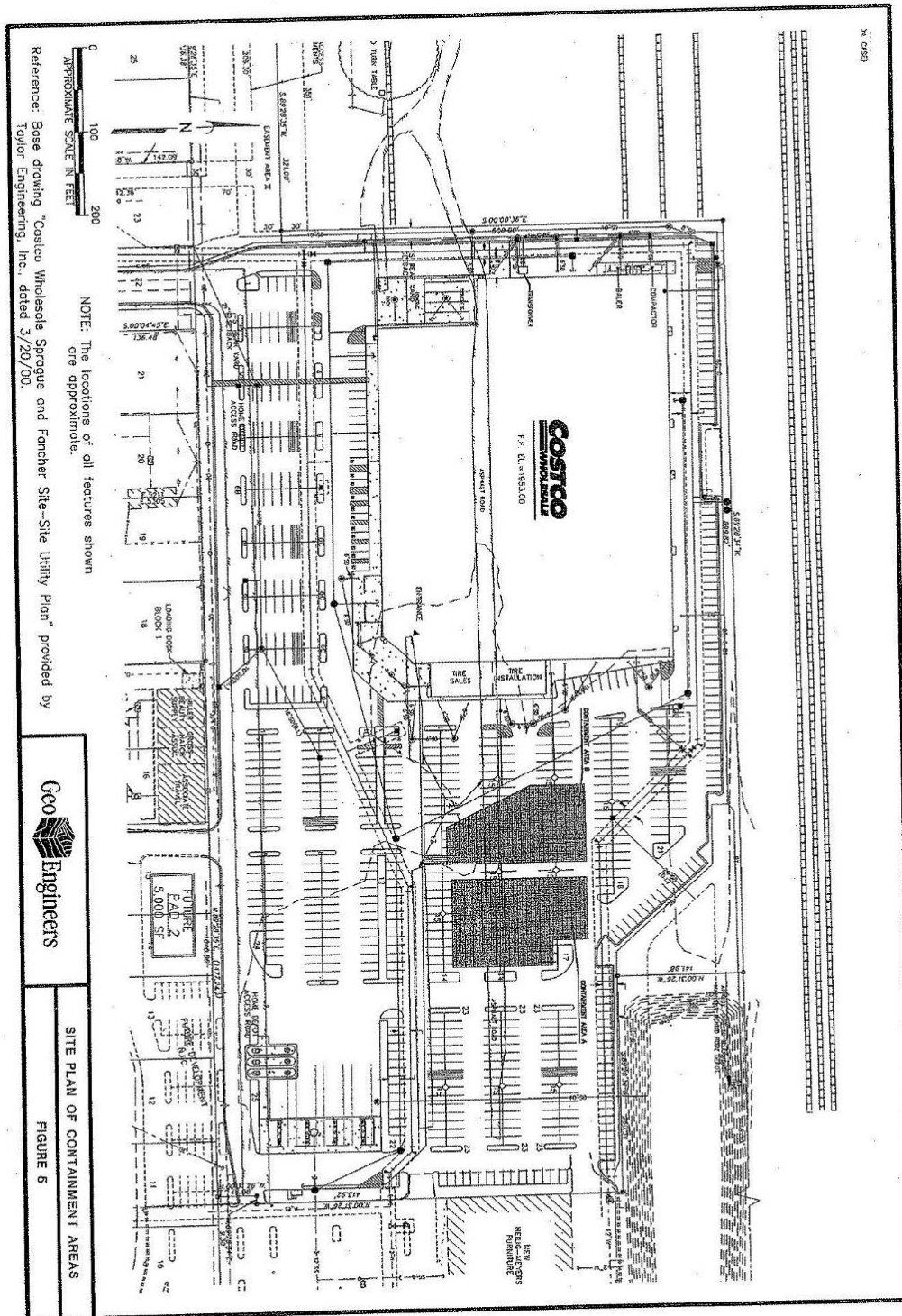
Ecology. *Site Visit*. October 27, 2016.

## **6.0 APPENDICIES**

## 6.1 Vicinity Map



## 6.2 Site Plan



## 6.3 Soil Analytical Data

TABLE 3  
CONFIRMATORY SAMPLING LABORATORY RESULTS - SOIL<sup>1</sup>  
COSTCO WHOLESALE STORE AND GASOLINE FACILITY  
SPOKANE, WASHINGTON

Sample Number	Date Sampled	DRPH <sup>2</sup> (mg/kg)	HORPH <sup>3</sup> (mg/kg)	Cadmium <sup>4</sup> (mg/kg)	Lead <sup>4</sup> (mg/kg)	Mercury <sup>4</sup> (mg/kg)	PAH <sup>5</sup> (mg/kg)
CS-1	8/8/00	13.5	33.3	-	34.0	-	0.0962
CS-2	8/8/00	<10.0	<25.0	-	17.7	-	0.0531
CS-3	8/2/00	-	-	-	13.2	-	-
CS-4	8/1/00	-	-	-	13.0	-	-
CS-5	8/1/00	-	-	-	11.0	-	-
CS-6	8/1/00	-	-	-	7.30	-	-
CS-7	8/1/00	-	-	-	22.9	-	-
CS-8	8/1/00	-	-	-	10.3	-	-
CS-9	8/1/00	-	-	-	6.62	-	-
CS-10	8/2/00	-	-	-	10.6	-	-
CS-11 <sup>6</sup>	8/4/00	<10.0	<25.0	-	13.4	-	ND
CS-12	8/4/00	-	-	-	8.51	-	-
CS-13	8/15/00	-	-	-	17.7	-	-
CS-14	8/15/00	-	-	-	9.12	-	-
CS-15	8/3/00	-	-	-	5.40	-	-
CS-16	8/3/00	-	-	-	8.93	-	-
CS-17	8/3/00	-	-	-	4.61	-	-
CS-18	8/1/00	-	-	-	7.76	-	-
CS-19	8/3/00	-	-	-	12.7	-	-
CS-20	8/3/00	-	-	-	6.62	-	-
CS-21	8/1/00	-	-	-	7.87	-	-
CS-22	8/8/00	82.7	163	-	215	-	0.9447
CS-23	8/8/00	105	75.4	-	99.7	-	0.3145
CS-A	8/8/00	11.8	26.2	<0.214	31.1	<0.0500	0.1531
CS-B	8/8/00	10.6	<25.0	<0.214	11.1	<0.0500	0.0113
CS-C	8/8/00	<10.0	<25.0	<0.214	9.45	<0.0500	ND
CS-D	8/8/00	<10.0	<25.0	<0.214	22.8	<0.0500	0.0431
CS-E	8/8/00	<10.0	<25.0	<0.214	7.36	<0.0500	ND
CS-F	8/8/00	<10.0	<25.0	<0.214	24.3	<0.0500	ND
CS-G	8/8/00	<10.0	<25.0	<0.214	7.69	<0.0500	ND
CS-H	8/8/00	<10.0	<25.0	<0.214	6.67	<0.0500	ND
CS-I	8/9/00	-	-	-	78.7	-	-
CS-J	8/9/00	-	-	-	513	-	-
CS-J2 <sup>7</sup>	8/15/00	-	-	-	13.6	-	-
MTCA Method A Cleanup Levels <sup>8</sup>		200	200	2.0	250	1.0	1.0

Notes:

- Analyses performed by North Creek Analytical of Spokane, Washington.
- Diesel-range Petroleum Hydrocarbons by Washington State Method WTPH-D extended.
- Oil-range Petroleum Hydrocarbons by Washington State Method WTPH-D extended.
- Analysis by EPA 6000/7000 Series Method.
- PAH = Polynuclear Aromatic Hydrocarbons by EPA Method 3550B. Concentrations shown are the sum of the carcinogenic PAHs.
- This sample was also analyzed for gasoline-range petroleum hydrocarbons and benzene, toluene, ethylbenzene and total xylenes. Results are presented in Appendix E.
- Sample CS-J2 was obtained beneath sample CS-J1 following additional excavation.
- Cleanup level as determined by Model Toxics Control Act (MTCA) Method B Methods.  
mg/kg = milligrams per kilogram  
Bold indicates exceedance of cleanup level  
"-" indicates not tested  
ND = not detectable

GeoEngineers

DocId: CadZincMercTable.xls  
File No. 0975-063-00

## 6.4 Restrictive Covenant



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Spokane Co, WA

**RETURN ADDRESS**

Costco Wholesale Corporation

999 Lake Drive

Issaquah, WA 98027

Please Type or Print Neatly & Clearly All Information

**Document Title(s)**

Restrictive Covenant

**Reference Number(s) of Related Documents**

**Grantor(s)** (Last Name, First & Middle Initial)

Costco Wholesale

**Grantee(s)** (Last Name, First & Middle Initial)

The Public

**Legal Description** (Abbreviated form is acceptable) i.e. Section/Township/Range/1/4 Section

That portion of SE 1/4, Section 14, T25N, R43E., W. M., Spokane Cty, WA.  
Commencing at SE corner of Section 14 ..... together with Lots 22 and 23,  
Block 1, Williams and Lutes Addition (Volume 5 of Plats, pg. 13, Spokan.

**Assessor's Tax Parcel ID Number:** 35144.9098

The County Auditor 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.

**Sign below only if your document is Non-Standard.**

I am requesting an emergency non-standard 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 parts of the text of the original document. Fee for non-standard processing is \$50.

\_\_\_\_\_  
Signature of Requesting Party

ENCLOSURE B



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Page: 2 of 4  
05/17/2006 01:28P  
Spokane Co, WA

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

Costco Wholesale Corporation  
999 Lake Drive  
Issaquah, WA 98027  
Attn: Peter Kahn

**RESTRICTIVE COVENANT**

**COSTCO WHOLESALE STORE AND GASOLINE RETAIL FACILITY  
5601 EAST SPRAGUE AVENUE, SPOKANE, WASHINGTON**

This Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Costco Wholesale Corporation, its successors and assigns (collectively, "Costco").

Costco is the fee owner of the real property (the "Property") in the County of Spokane, State of Washington, which is subject to this Restrictive Covenant. The legal description of the Property is as follows:

"That portion of the SE ¼ Section 14, T.25N., R.43E., W.M., Spokane County, Washington, described as follows: Commencing at the southeast corner of said Section 14; thence N.00°00'08"W., along the east line of said Section 14, 794.09 feet; thence S.89°28'34"W., 1418.50 feet, to the true point of beginning of this description; thence continuing S.89°28'34., 899.82 feet; thence S.00°00'36"E., 500.00 feet; thence S.89°28'35"W., 321.00, feet to the centerline of said Section 14; thence S.00°00'36"E, along said centerline, 100.00 feet to the northwest corner of the Plat of Williams and Lute's Addition according to plat recorded in Volume 5 of Plats, page 13, Spokane County, Washington; thence N.89°28'35"E., along the north line of said Plat 1477.24 feet; thence N.00°31'26"W, 44.08 feet; thence N.89°28'34"E. 9.30 feet; thence N.00°31'26"W., 413.92 feet; thence S.89°28'34"W., 260.34 feet; thence N.00°31'26"W., 141.98 feet, to the point of beginning.

Together with Lots 22 and 23, Block 1, Williams and Lute's Addition, according to plat recorded in Volume 5 of Plats, page 13, in Spokane County, Washington."

An independent remedial action (the "Remedial Action") occurred at the Property. The Remedial Action is described in the following document: Report, Independent Remedial Action, Costco Wholesale Store and Gasoline Retail Facility, East Sprague Facility, Spokane County,



Washington, prepared by GeoEngineers, Inc. on March 1, 2001 (the "Report"). The Report is on file at the State of Washington Department of Ecology's ("Ecology") Eastern Regional Office.

This Restrictive Covenant is required by Ecology to be recorded against the Property because the Remedial Action resulted in residual concentrations of lead, cadmium, zinc, mercury, total petroleum hydrocarbons and carcinogenic polynuclear aromatic hydrocarbons which exceed the Model Toxics Control Act Method A and Method B Residential Cleanup Levels for soil established under WAC 173-340-740.

Costco 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 (collectively, "Owner"):

**Section 1.** Any activity on that portion of the Property that includes the two (2) encapsulation areas depicted in the Report and on Exhibit A attached hereto that might 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. Examples of activities that are prohibited in the two (2) encapsulation areas include, without limitation, drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capacity, piercing the surface with a rod, spike or similar item, and/or bulldozing or earthwork.

**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 might 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 creates a new exposure pathway, is prohibited without prior written approval from Ecology.

**Section 4.** Owner must give thirty (30) days advance written notice to Ecology of Owner's intent to convey any interest in the Property. Owner shall not consummate any conveyance of title, easement, lease, or other interest in the Property without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

**Section 5.** 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.** 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.



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Spokane Co, WA

Section 7. 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. Owner 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.

DATED as of this 3 of May, 2006.

COSTCO WHOLESALE CORPORATION

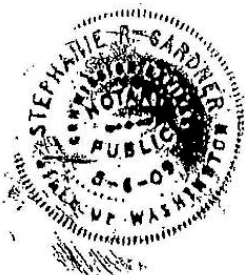
By: [Signature]

Its: VP General Counsel

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On May 3, 2006, before me, a Notary Public in and for said State, personally appeared Richard J. Olin, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person acted, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Stephanie R. Gardner  
Notary Public in and for the state of Washington

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## 6.5 Photo Log

**Photo 1: Costco Site - from the east**



**Photo 2: Costco Drainage Swale- from the east**



**Photo 3: North Side of Building - from the east**



**Photo 4: Typical Containment Cell Cover – from the northeast**

