

201212120236 CCOMITA 14 PGS
12/12/2012 10:43:17 AM \$85.00
AUDITOR, Pierce County, WASHINGTON

RECEIVED

DEC 26 2012

WA State Department
of Ecology (SWRO)

Name & Return Address:

Tom Middleton, WA. Dept. of Ecology, SWRO

PO Box 47775

Olympia, WA 98504-7775

AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING UN-
SATISFACTORY IN A PORTION OF THIS INSTRU-
MENT WHEN RECEIVED

Please print legibly or type information.

Document Title(s)	Environmental Covenant
Grantor(s)	Sprague Maxi-Space LLC
____ Additional Names on Page ____ of Document	
Grantee(s)	State of Washington , Department of Ecology
____ Additional Names on Page ____ of Document	
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) Section 05, Township 20N, Range 03 E Quarter 3 2	
Complete Legal Description on Page <u>2-3</u> of Document	
Auditor's Reference Number(s)	
Assessor's Property Tax Parcel/Account Number(s) 0320057006	
<p>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.</p> <p>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.</p> <p>_____ Signature of Requesting Party (Required for non-standard recordings only)</p> <p>Gpcovst.doc rev 4/02</p>	

RECEIVED

OCT 04 2012

Restrictive (Environmental) Covenant WA State Department
of Ecology (SWRO)

After Recording Return to:
Tom Middleton
Toxic Cleanup Program
Southwest Regional Office
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

RECEIVED

DEC 26 2012

WA State Department
of Ecology (SWRO)

Environmental Covenant

Grantor: SPRAGUE MAXI-SPACE LLC

Grantee: State of Washington, Department of Ecology

Legal: The tax legal description is Section 05 Township 20 Range 03 Quarter 32 : PARCEL D OF DBLR 90-02-26-0171 BEG AT SE COR L 4 SP 88-07-12-0354 TH ALG SLY LI OF SD LOT 4 S 80 DEG 59 MIN 00 SEC W 297.55 FT TO SWLY MOST COR SD L 4 TH N 09 DEG 51 MIN 15 SEC W 68.82 FT TH N 00 DEG 44 MIN 49 SEC W 157.25 FT TH N 00 DEG 00 MIN 00 SEC E 137.15 FT TH N 81 DEG 17 MIN 44 SEC E 251.56 FT TH S 08 DEG 00 MIN 53 SEC W 60.03 FT TH N 81 DEG 00 MIN 53 SEC E 4.00 FT TH S 08 DEG 50 MIN 22 SEC E 298.50 FT TO POB FORMERLY POR LOT 4 SP 88-07-12-0354 OUT OF 3-001 SEG A0545BL5-17-90AT

The Real Property or its address is commonly known as 1401 S. Sprague Avenue, Tacoma, WA 98405. The Real Property tax identification number is 032005-7-006

Tax Parcel No.: 0320057006

Grantor, **SPRAGUE MAXI-SPACE LLC**, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this , day of _____, 2012 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by **SPRAGUE MAXI-SPACE LLC**, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

1. Final Report, Site Remediation, Former Pierce Transit Maintenance Facility, Applied Geotechnology, April 1991
2. Letter Reports, Columbia Environmental, Inc. April 1991, September 1995 and October 1995
3. Letter re: preliminary investigation findings, Robinson Noble, Inc., April 2007
4. 1401 Sprague Street Groundwater Sampling Report and Additional Investigation Work Plan, Robinson Noble inc., September 2008
5. Groundwater Monitoring Report, Robinson Noble, Inc., November 2008
6. Long-term groundwater monitoring Plan, Robinson Noble, Inc, February 2012
(Attachment A)

These documents are on file at Ecology's Southwest Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of oil-range petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Level for SOIL established under WAC 173-340-740.

The undersigned, **SPRAGUE MAXI-SPACE LLC**, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Covenant. The Property is legally described AS FOLLOWS:

Beginning at the southeast corner of Lot 4, City of Tacoma Short Plat Number 8807120354, according to the Plat thereof, recorded July 12, 1988, in Pierce County, Washington:

Thence along the southerly line of said Lot 4 south 80 59' 00" west, 297.55 feet to the southwesterly most corner of said Lot 4:

Thence north 09 51' 15" west, 68.82 feet;

Thence north 00 44' 49" west, 157.25 feet;

Thence north 00 00' 00" east, 137.15 feet;

Thence north 81 17' 44" east, 251.56 feet;

Thence south 08 50' 22" east, 60.03 feet;

Thence north 81 00' 53" east, 4.00 feet;

Thence south 08 50' 22" east, 298.50 feet to the point of beginning, being a portion of Lot 4 of Short Plat 8807120354

(ALSO KNOWN AS Parcel D of Boundary Line Adjustment recorded under Recording Number 9002260171.) The Real Property or its address is commonly known as 1401 S. Sprague Avenue, Tacoma, WA 98405. The Real Property tax identification number is 032005-7-006

SPRAGUE MAXI-SPACE LLC 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. A portion of the Property contains diesel-, and oil-range petroleum hydrocarbons contaminated soil located beneath footings along the north wall and beneath portion of the east and west walls at the northeast and northwest corners of the existing building. Additional areas are located near the center of the north room or the former maintenance building near the vicinity of the hydraulic hoist shown in the figures of the final report filed by Applied Geotechnology, Inc. (April 1991) along with a limited amount of contaminated soil in the vicinity of the sign located on the northwest corner of the property. The Owner shall not alter, modify, or remove the existing structure[s] 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."

In addition, long-term groundwater monitoring has been and is being implemented at the Property to ensure that the implemented Remedial Action remains protective of groundwater. Groundwater is being monitored for gasoline, diesel, oil, carcinogenic polycyclic aromatic hydrocarbons, benzene, toluene, ethylbenzene, xylenes, and naphthalene on a schedule consistent with the Ecology-approved Long Term Groundwater Monitoring Plan (Robinson Noble, Inc, February 2012) which is included as Attachment A.

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 monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the 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 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, to determine compliance with this Covenant, 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 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.

SPRAGUE MAXI-SPACE LLC



Bruce Bodine

Dated: June 10, 2012

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Rebecca S. Lawson

[Rebecca S. Lawson, P.E., LHG]

Section Manager, Toxics Cleanup Program, SWRO

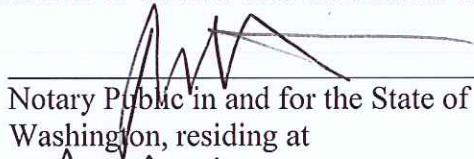
Dated: 10/29/12

[CORPORATE ACKNOWLEDGMENT]

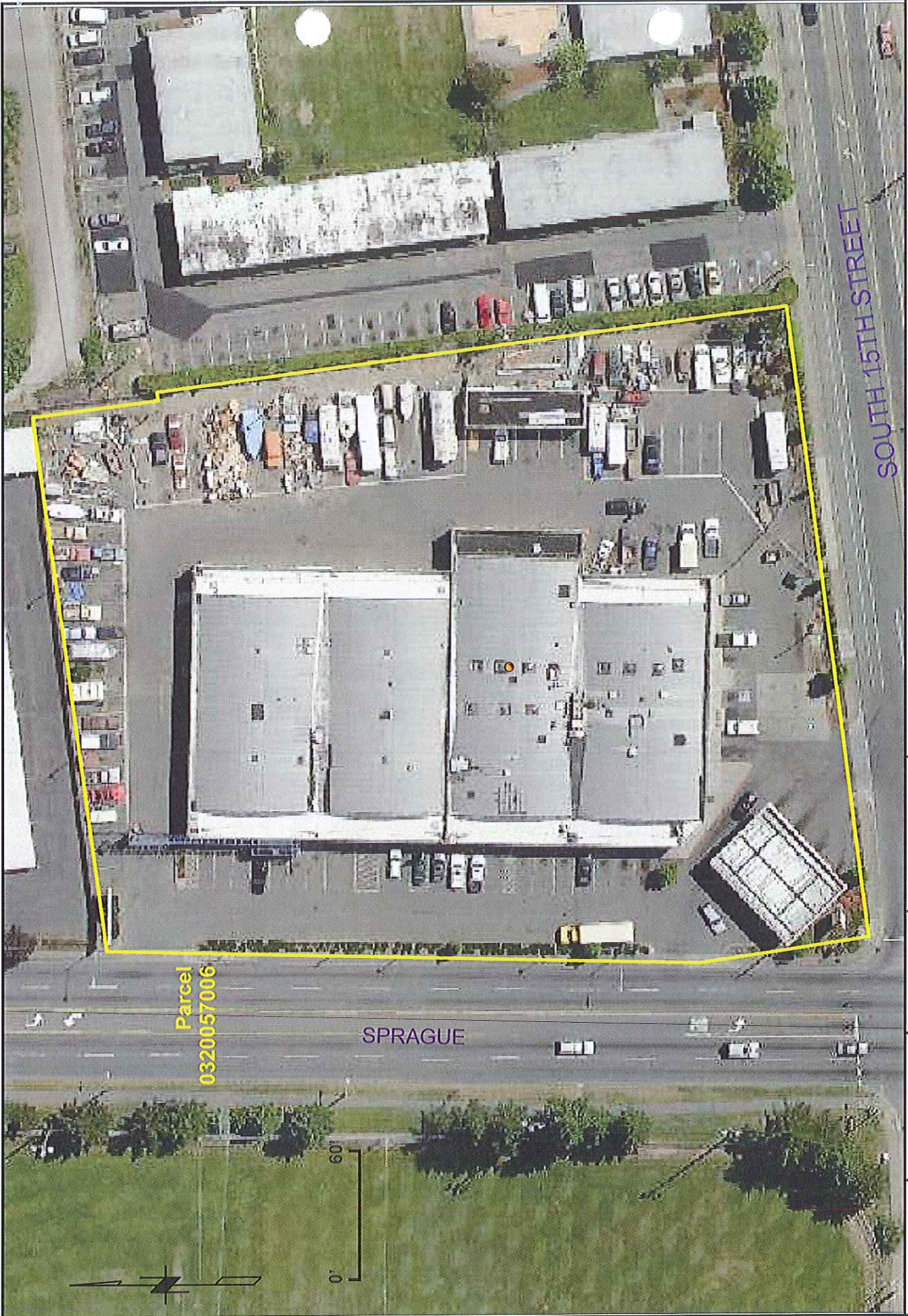
STATE OF WASHINGTON
COUNTY OF PIERCE


On this 18th day of JUNE, 2012, I certify that BRUCE DODINE personally appeared before me, acknowledged that he/she is the MANAGING MEMBER of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said corporation.




Notary Public in and for the State of
Washington, residing at

TACOMA WA.
My appointment
expires 7-18-15.



 ROBINSON NOBLE	Note: Image taken from City of Tacoma govME website	PM: JFH June 2012 2144-004C	Pierce County T 20 N/R 03 E - 05 Scale 1" = 60'	<p>Figure 1</p> <p>Former Pierce County Maintenance Facility Parcel Boundary</p> <p>Bodine Enterprises: 1401 S. Sprague/Sign Area</p>
---	---	-----------------------------------	---	---

ENVIRONMENTAL COVENANT - ATTACHMENT A
BODINE SPRAGUE SIGN AREA (VCP SW0450)
1401 Sprague Avenue, Tacoma, Washington
Long-Term Groundwater Monitoring Plan
June 2012

1.0 INTRODUCTION	1
1.1 PURPOSE AND SITE IDENTIFICATION	1
1.2 REGIONAL GEOLOGY/HYDROGEOLOGY	1
2.0 BACKGROUND	1
3.0 PERIODIC MONITORING	1
3.1 SCHEDULE	1
3.2 METHODOLOGY	2
4.0 QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)	2
4.1 DAILY FIELD QA/QC	2
4.2 SAMPLE PACKAGING AND SHIPPING	3
4.3 CHAIN-OF-CUSTODY	3
4.4 LABORATORY QA/QC	3
5.0 REPORTING	3

TABLES

TABLE 1 PROPOSED SAMPLING DATES: FIRST FIVE-YEAR INTERVAL
TABLE 2 CONTAMINANTS OF CONCERN

FIGURES

FIGURE 1 AREAS OF RESIDUAL CONTAMINATED SOIL
FIGURE 2 SIGN AREA MONITOR WELL LOCATION MAP

ENVIRONMENTAL COVENANT - ATTACHMENT A
BODINE SPRAGUE SIGN AREA (VCP SW0450)
1401 Sprague Avenue, Tacoma, Washington
Long-Term Groundwater Monitoring Plan
June 2012

1.0 Introduction

1.1 Purpose and Site Identification

This work plan details the post-no-further-action groundwater monitoring required by environmental covenant for the Bodine Sprague sign area located at 1401 Sprague Avenue, Tacoma, Washington. Figure 1, displays the location of the sign area on the subject site. The sign area is one of the two areas on the subject site being addressed under the Washington State Department of Ecology (Ecology) volunteer cleanup program (VCP). This area contains three monitoring wells. The location of the three monitoring wells is displayed in Figure 2.

2.0 Background

The sign area encompasses portions of the subject impacted by oil-range hydrocarbons in soil previously addressed by a "no-further-action" (NFA) designation. This previous NFA is known to Ecology as being for the Pierce Transit Maintenance Facility. In 2007, Adapt Engineering reported detections of oil-range hydrocarbons in groundwater during a Phase I and Phase II environmental site assessment near the location of the sign area. Subsequent investigations conducted by Robinson Noble, Inc. indicated no contamination occurs within the area addressed by the original NFA. This monitoring plan is designed to comply with long-term monitoring provisions of the environmental covenant required to reestablish the NFA for this area.

Previous efforts have established that groundwater concentrations of oil-range organics do not exceed MTCA Method A groundwater levels. However, some soil contamination has been shown to remain underneath a sign post. Implementation of institutional controls has been selected as the most appropriate closure mechanism for this residual soil impact. These controls are specified in the environmental covenant to which this long-term monitoring plan is appended.

3.0 Periodic Monitoring

3.1 Schedule

The three existing monitoring wells will be sampled at 18-month intervals for a minimum of 5 years. The first monitoring event will occur in June 2012. Each additional sampling event will be completed every 18 months thereafter. The following table shows the anticipated month and year of the sampling events:

Table 1. Proposed sampling dates: First five-year interval

Event *	Date
1	June 2012
2	December 2013
3	June 2015
4	December 2016

*To reoccur on an 18-month interval, unless Ecology approves a change in frequency.

After completion of the first five-year interval, Ecology will be asked to review the data and determine whether or not monitoring can be terminated.

3.2 Methodology

Prior to sampling, water levels will be sounded and the wells opened and allowed to stabilize. Water levels from the three wells will be used to calculate the groundwater gradient which will be presented in the monitoring report.

A peristaltic pump and dedicated tubing will be used to sample each well. Samples will be collected after at least three volumes of water are purged from the wells and field measurements of temperature, conductivity, total dissolved solids, and dissolved oxygen stabilize (within measurement error limits).

The collected water samples will be placed into laboratory-supplied, pre-cleaned containers with proper preservatives for delivery to an accredited laboratory. The samples will be transferred to in a laboratory-supplied, thick-walled cooler containing blue ice. The samples will then be delivered to Libby Environmental, Inc. of Olympia, Washington. The samples will be analyzed using Ecology NWTPH Gx, NWTPH-Dx/Dx Extended, EPA Method 8260C, and EPA Method 8270C for the following contaminants of concern.

Table 2. Contaminants of concern

Analyte	MTCA Method A Cleanup Levels (µg/L)
Gasoline	800
Diesel	500
Oil	500
cPAH	0.1
Benzene	5
Toluene	1,000
Ethylbenzene	700
Xylenes	1,000
Naphthalene	160

4.0 Quality Assurance/Quality Control (QA/QC)

4.1 Daily Field QA/QC

The project manager will review documentation including sample logs, custody forms, and field logs prior to samples being delivered to the laboratory. Review will be done for completeness, accuracy, and consistency.

4.2 Sample Packaging and Shipping

The groundwater samples collected for chemical analysis will be kept out of direct sunlight and checked for label completeness and cap tightness. All samples submitted to the laboratory shall be thermally preserved in the field (four degrees Celsius) immediately after sample collection by placing them upright in a pre-cooled, insulated ice chest containing uncontaminated blue ice. Only coolers constructed of plastic or fiberglass standard to those provided by environmental analytic laboratories will be used. The coolers will not have drains.

4.3 Chain-of-Custody

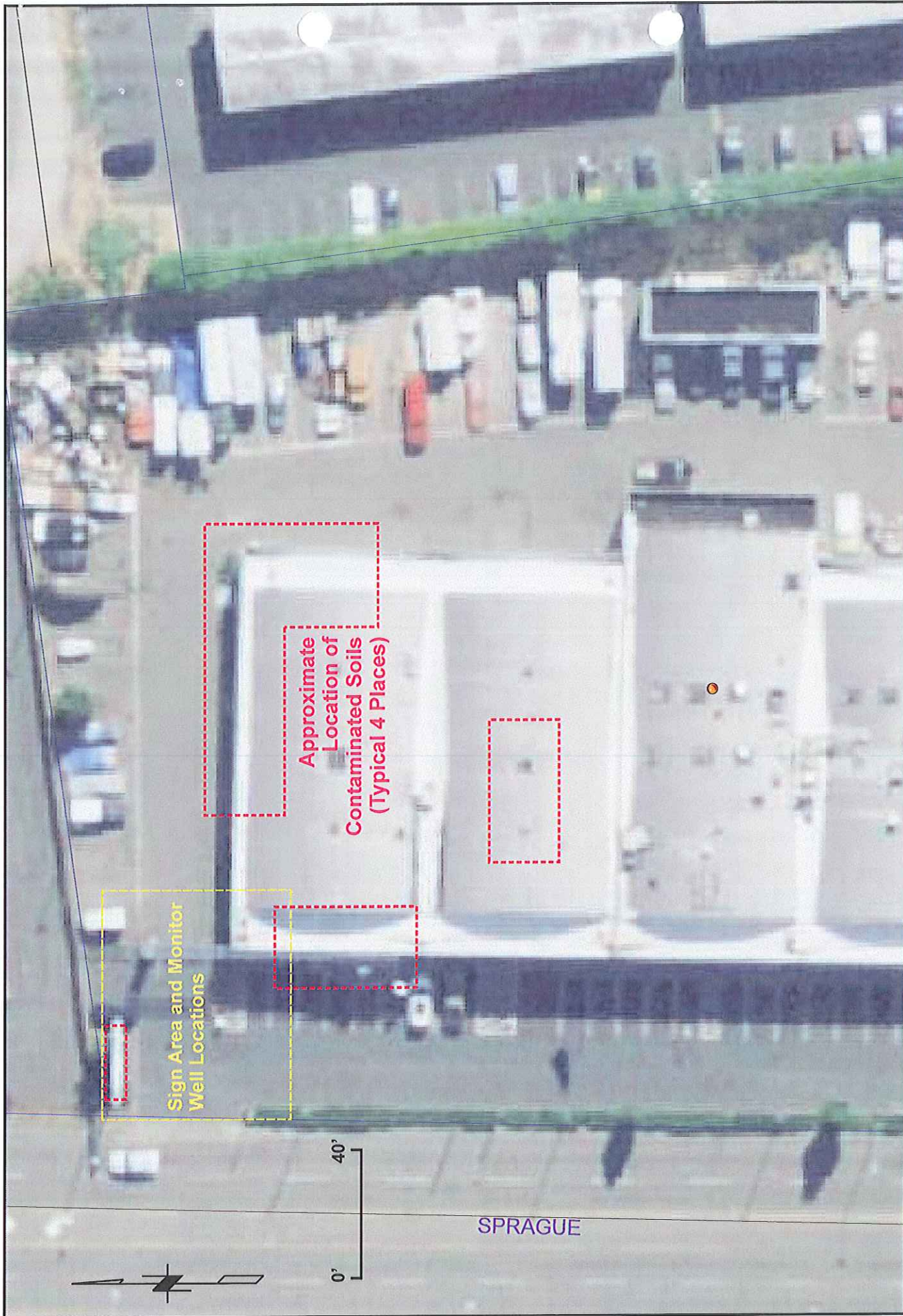
A chain-of-custody form will accompany samples submitted to the laboratory.

4.4 Laboratory QA/QC

A narrative regarding quality assurance and quality control will be provided with the laboratory analysis reports. This narrative will indicate whether or not quality control is within acceptable limits.

5.0 Reporting

Each monitoring event will be documented in a report that will be submitted to Ecology. The report will document the collection and analysis of the samples, present the analytical data, and comment on the quality assurance and quality control for the project. The report will include interpretation of the data and include any recommendations that the data may warrant.



 <p>ROBINSON[®] NOBLE</p>	<p>Note: Image taken from City of Tacoma govME website</p>	<p>PM: JFH June 2012 2144-004C</p>	<p>Pierce County T 20 N/R 03 E - 05 Scale 1" = 40'</p>	<p>Figure 1 Areas of Residual Contaminated Soil Bodine Enterprises: 1401 S. Sprague/Sign Area</p>
---	--	--	--	--

