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Page: 1 of 10  
3/26/2012 9:11 AM  
D/RC NTCE \$183.00  
Whatcom County, WA

Request of: ALCOA INC

**RETURN DOCUMENT TO:**

Paul Skyllingstad  
Department of Ecology  
Industrial Section  
PO Box 47706  
Olympia, WA 98504-7706

*Use dark black ink and print legibly. Documents not legible will be rejected per RCW 65.04.045 & 65.04.047*

**DOCUMENT TITLE(S):**

RESTRICTIVE COVENANT AND NOTICE

**AUDITOR FILE NUMBER (and VOL. & PG. NUMBERS) OF DOCUMENT(S) BEING ASSIGNED OR RELEASED:**

Additional reference numbers can be found on page \_\_\_\_\_ of document.

**GRANTOR(S):**

INTALCOA ALUMINUM CORPORATION

Additional grantor(s) can be found on page \_\_\_\_\_ of document.

**GRANTEE(S):**

WASHINGTON DEPARTMENT OF ECOLOGY

Additional grantee(s) can be found on page \_\_\_\_\_ of document.

**ABBREVIATED LEGAL DESCRIPTION:** (Lot, block, plat name OR; qtr/qtr, section, township & range OR; unit, building and condo name).

A TRACT OF LAND LOCATED IN THE SE 1/4 SEC 20, T39N, R1E,  
WILLAMETTE MERIDIAN, WHATCOM COUNTY, WASHINGTON. Additional  
legal descriptions can be found attached as Exhibit A & B

Additional legal(s) can be found on page \_\_\_\_\_ of document.

**ASSESSOR'S 16-DIGIT GEO-PARCEL NUMBER:**

390120 339072 0000

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer.

**NOTICE: RCW 65.04.047. Section 14: eff. 8/1/99**

**"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."**

**SIGNED BY:**

After Recording Return to:

Paul Skyllingstad  
Department of Ecology  
Industrial Section  
P.O. Box 47706  
Olympia, Washington 98504-7706

**RESTRICTIVE COVENANT and NOTICE**  
Intalco Triple Lined Dangerous Waste Landfill

Grantor: Intalco Aluminum Corporation

Grantee: Washington Department of Ecology

Legal Description: A tract of land located in the SE ¼ SEC 20, T39N, R1E, Willamette Meridian, Whatcom County, Washington. Additional legal descriptions can be found attached as Exhibit A & B

Assessor's Parcel Number: 390120 339072 0000

This Declaration of Restrictive Covenant is made under the Uniform Environmental Covenants Act (2007 Wash. Laws ch 104), RCW 70.105D.030(1)(f), RCW 70.105D.30(1)(g), WAC 173-340-440 and WAC 173-303-610 by Intalco Aluminum Corporation (hereafter "Intalco"), its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (herein after "Ecology").

**RECITALS**

A. A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant and Notice. The Remedial Action conducted at the property is described in the Consent Decree entered in the *State of Washington Department of Ecology v. Intalco*, Whatcom County Superior Court No. 07-2-00181-2 and in attachments to the Decree and in documents referenced in the Decree. These documents are on file at Ecology's Olympia Washington Office.

B. This Restrictive Covenant is required because, after the Remedial Action is complete, the property will contain contaminated soil within a physical barrier that will prevent plants or wildlife from being exposed to the soil. See WAC 173-340-7491(1)(b). Furthermore, this Restrictive Covenant prohibits groundwater withdrawal on the site due to the presence of contaminants of concern in the groundwater.

C. The property that is the subject of this Restrictive Covenant and Notice has been used to manage dangerous waste within a permitted dangerous waste disposal unit. The owner or operator of a dangerous waste disposal unit is obligated to provide notice and restrict disturbance of the dangerous waste disposal site in accordance with the applicable requirements of WAC 173-303-610 and 40 CFR 265 Subpart G.

D. The undersigned, Intalco, is the fee owner of the real property (hereafter "Property") located in the County of Whatcom, State of Washington, and more particularly described in Exhibit A attached to this Covenant.

E. Within the Property is located a parcel of land that is the subject of this Restrictive Covenant and Notice (the "Restricted Site").

F. The Restricted Site, known as the Triple Lined Dangerous Waste Landfill is more particularly described in Exhibit B attached to this Restrictive Covenant and Notice.

G. The restrictions and covenants agreed to and the Notice given under this Restrictive Covenant and Notice apply solely to the Restricted Site and do not apply in any way to the remainder of the Property.

#### **DECLARATION OF RESTRICTIONS AND COVENANTS**

Intalco makes the following declaration as to limitations, restrictions, and uses to which the Restricted Site 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 Restricted Site (hereafter "Owner").

**Section 1.** The Restricted Site contains dangerous wastes which contain PAH's, PCBs, fluoride, cyanide and metals. The Restricted Site is capped to prevent human, plant or wildlife exposure to the dangerous waste. The owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that dangerous waste or create a new exposure pathway without prior written approval from Ecology. Any activity on the Restricted Site that may result in the release or exposure to the environment of the dangerous waste that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the Restricted Site include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

**Section 2:** Withdrawal of groundwater at the Restricted Site is prohibited.

**Section 3.** Any activity on the Restricted Site that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

**Section 4.** Any activity on the Restricted Site that may result in the release or exposure to the environment of a hazardous substance that remains on the Restricted Site as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

**Section 5.** The Owner of the Restricted Site, or any portion thereof, must give fifteen (15) days advance written notice to Ecology of the Owner's intent to convey any interest in the Restricted Site or said portion thereof. No conveyance of title, easement, lease, or other interest in the Restricted Site shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action in accordance with the Consent Decree and Cleanup Action Plan.

**Section 6.** 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 Restricted Site. The Owner must include in any instrument conveying any interest in any portion of the Restricted Site, notice of this Restrictive Covenant.

**Section 7.** The Owner must notify and obtain approval from Ecology prior to any use of the Restricted Site that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment. If Ecology approves of an inconsistent use, this Restrictive Covenant must be amended to reflect the change.

**Section 8.** The Owner shall allow authorized representatives of Ecology the right to enter the Restricted Site at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Restricted Site, to determine compliance with this Restrictive Covenant, and to inspect records that are related to the Remedial Action.

**Section 9.** If the conditions at the Restricted Site which requires a restrictive covenant no longer exist, the Owner may submit a request to Ecology that this Restrictive Covenant be removed. This Restrictive Covenant shall be removed only if Ecology, after public notice and comment, concurs.

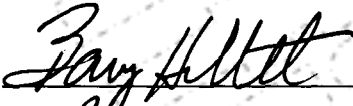
### **NOTICE**

Intalco Aluminum Corporation hereby gives notice that pursuant to regulations of the State of Washington, Department of Ecology, WAC 173-303-610(10), the property herein described has been used to manage dangerous waste as identified by the Washington State Department of Ecology in WAC 173-303-070 through 173-303-103. Accordingly, use of the property is restricted under WAC 173-303-610(7)(d). A survey plat and record of the type, location, and quantity of dangerous waste disposed of within the area of the waste management unit, as required by WAC 173-303-610(9), has been filed with the Whatcom County Auditor's Office, the Whatcom County Health Dept and the Washington State Department of Ecology and is shown in Exhibit B.


Executed on the 13 day of February, 2012

Intalco Aluminium Corp.

GRANTOR:  
INTALCO ALUMINUM CORP.  
PROPERTY OWNER

By:   
Title: President

HOLDER:  
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

By:   
Title: INDUSTRIAL SECTION MANAGER

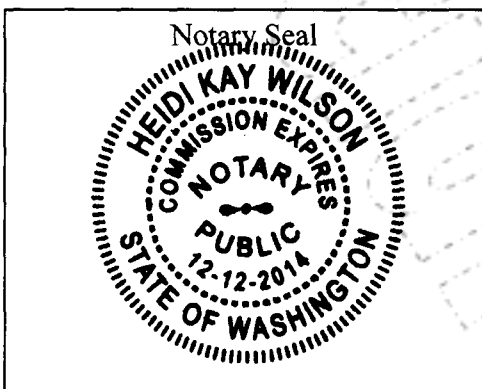
Attachments: Exhibit A – Legal Description of the Property  
Exhibit B – Legal Description and Survey Plat of, and Record of Type,  
Location and Quantity of Dangerous Waste in the Triple Lined Dangerous  
Waste Landfill

*Notary acknowledgements on page 4*

State of Washington )  
 ) ss:  
County of Whatcom )

I certify that I know or have satisfactory evidence that  
Barry Hullett is the person who appeared before me, and said  
person acknowledged that he/she signed this instrument, on oath stated that he/she was  
authorized to execute this instrument and acknowledged it as the President of  
Intalco Aluminum Corporation to be the free and voluntary act of such party for the uses and  
purposes mentioned in the instrument.

Dated: Feb 13, 2012.

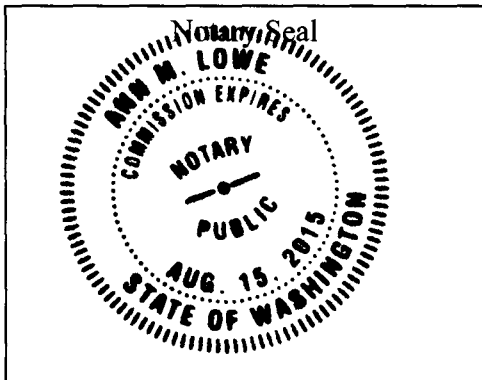


Heidi Kay Wilson  
Notary Public for Washington

Heidi Kay Wilson  
Name of Notary  
My appointment expires: 12-12-2014

I certify that I know or have satisfactory evidence that  
Gavin Schriever is the person who appeared before me, and said  
person acknowledged that ~~he/she~~ signed this instrument, on oath stated that ~~he/she~~ was  
authorized to execute this instrument and acknowledged it as the Industrial Sector of the  
State of Washington Department of Ecology to be the free and voluntary act of such party for the  
uses and purposes mentioned in the instrument.

Dated: Feb. 14, 2012.



Ann M. Lowe Not  
ary Public for Washington

Ann M. Lowe  
Name of Notary  
My appointment expires: 8-15-2015

**EXHIBIT A**

**Legal Description of Property  
(See Next Page)**

Unofficial Document

## Whatcom County Assessor & Treasurer

### Property Search Results > 87623 ALUMET CORP 61% & for Year 2010 - 2011

#### Property

##### Account

Property ID: 87623

Legal Description: S 1/2 SE 1/4-EXC RR SPUR  
TRACK-S 1/2 SW FORMERLY  
VAC GEORGIA CITY-TOG WI  
VAC RDS AS VAC CP 44-189  
8/1964-SUBJ TO TRANS LI TO  
USA DESC AF 999014-EXC TAX  
7.3 TO USA FOR BPA SITE  
DESC AF 997752-EXC PTN TO

Geographic ID: 3901203390720000

Agent Code:

Type: Real

Tax Area: 2025 - 502 F7 C7

Land Use Code 33

Open Space: N

DFL N

Historic Property: N

Remodel Property: N

Multi-Family Redevelopment: N

Township: T39N

Section: 20

Range: R01E

##### Location

Address: HENRY RD  
FERNDAL, WA

Mapsco:

Neighborhood: 1120027400

Map ID:

Neighborhood CD: 1120027400

##### Owner

Name: ALUMET CORP 61% &

Owner ID: 18919

Mailing Address: INTALCO ALUMINUM CORP 39% % Ownership: 100.0000000000%  
ATTN: PROPERTY TAX DEPT  
201 ISABELLA ST  
PITTSBURGH, PA 15212-5858

Exemptions:

#### Pay Tax Due

#### Taxes and Assessment Details

#### Values

#### Map List

#### Taxing Jurisdiction

#### Improvement / Building

#### Property Image

#### Land

#### Roll Value History

#### Deed and Sales History

#### Payout Agreement



This website is under active development. Some functionality is not yet available and data is not guaranteed.  
[Assessor Home Page](#) [Treasurer Home Page](#) [Full County Map](#) [Disclaimer](#) [Privacy Policy](#)

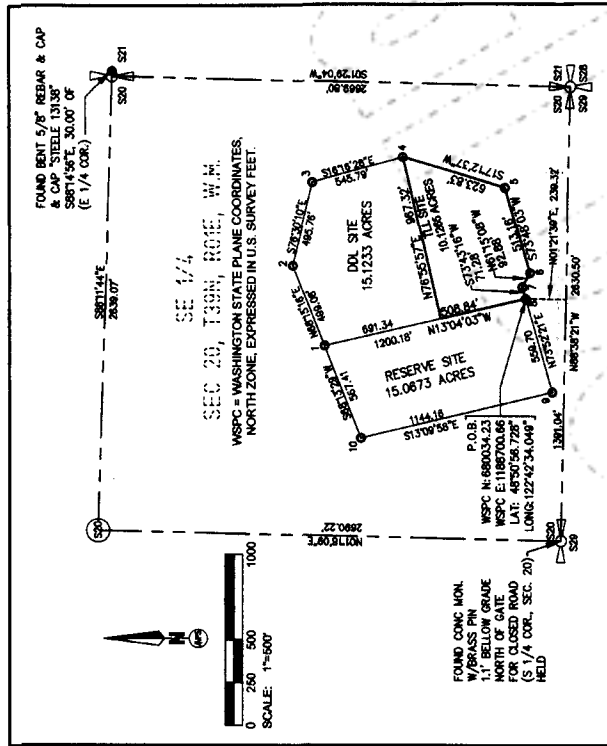


## **EXHIBIT B**

**Legal Description and Survey Plat of, and  
Record of Type, Location and Quantity of Dangerous Waste in  
the Triple Lined Dangerous Waste Landfill  
(See Next Page)**

21201023603

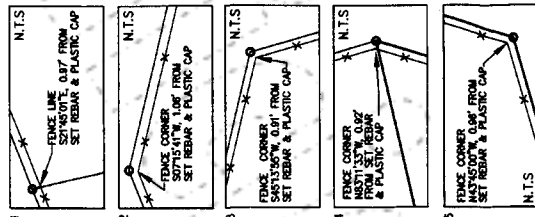
# WITHIN THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 01 EAST, WM., IN WHATCOM COUNTY, WASHINGTON



## GENERAL NOTES

1. THIS SURVEY WAS BASED ON A RTK GPS SURVEY (USING TRIMBLE 5700 UNITS) IN COMBINATION WITH A CONVENTIONAL SURVEY (USING TRIMBLE 5600 TOTAL STATIONS). THIS NETWORK MEETS OR EXCEEDS THE ACCURACY STANDARDS SET BY WAC 332-130-090.
2. ALL MONUMENTS WERE OCCUPIED OR OBSERVED DURING PERIOD OF TIME BETWEEN AUGUST, 2008 - NOVEMBER, 2007.
3. THE PRIMARY INSTRUMENTS WERE CALIBRATED AT THE KING COUNTY BASELINE.
4. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION OF LAND.
5. ALL COORDINATES AND BEARINGS ARE BASED ON THE WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, EXPRESSED IN US SURVEY FEET.

## DETAILS:



## PURPOSE FOR THIS SURVEY:

INTALCO ALUMINUM CORPORATION HEREBY GIVES NOTICE THAT PURSUANT TO REGULATION OF THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, WAC 173-303-010(10), THE PROPERTY HEREIN DESCRIBED HAS BEEN USED TO MANAGE DANGEROUS WASTE AS IDENTIFIED BY WASHINGTON STATE DEPARTMENT OF ECOLOGY IN WAC 173-303-070 THROUGH 173-303-103. ACCORDINGLY, USE OF THE PROPERTY IS RESTRICTED UNDER WAC 173-303-010(7)(d).

## LEGEND

- FOUND REBAR & CAP (AS NOTED)
- SET 5/8" REBAR & YELLOW CAP
- "APS SURVEY 2008/2008"
- X— FENCE LINE
- TLL TRIPLE-LINED LANDFILL
- DOL DOUBLE-LINED LANDFILL
- N.T.S. NOT TO SCALE
- WSPC WASHINGTON STATE PLANE COORDINATE

## LEGAL DESCRIPTION OF TRIPLE-LINED LANDFILL (TLL) SITE

A PARCEL OF LAND WITHIN THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 01 EAST, WM., IN WHATCOM COUNTY, WASHINGTON. SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE MONUMENTED SOUTH QUARTER CORNER OF SAID SECTION 20; THENCE S 89°30'21" E ALONG THE SOUTH LINE OF SAID SECTION 20 FOR 1391.04 FEET; THENCE N 01°21'39" E AT RIGHT ANGLES TO SAID SECTION LINE FOR 239.32 FEET TO THE TRUE POINT OF BEGINNING;  
 THENCE N 13°04'03" W FOR 508.84 FEET;  
 THENCE N 76°58'57" E FOR 867.32 FEET;  
 THENCE S 17°12'37" W FOR 623.83 FEET;  
 THENCE S 73°48'03" W FOR 613.16 FEET;  
 THENCE N 61°16'08" W FOR 92.88 FEET;  
 THENCE S 73°43'16" W FOR 71.28 FEET TO THE TRUE POINT OF BEGINNING.  
 SAID PARCEL CONTAINS 10.1286 ACRES, MORE OR LESS.

## TRIPLE-LINED LANDFILL WASTE TYPES AND QUANTITIES LOCATED WITHIN THE TLL SITE BOUNDARY DESCRIBED HEREIN

WASTE MATERIAL	QUANTITY (GY)
K008 (SPENT POT LINER AND SECONDARY WASTEWATER TREATMENT PLANT SLUDGE)	75,600
NON-TSCA REMEDIATION WASTE FROM BI	14,980
TSCA REMEDIATION WASTE FROM BI	22,660
GENERAL PLANT SOLID WASTE	43,800

## AUDITOR'S CERTIFICATE 21201023603

Filed for record this 25th day of JAN., 2012, at 3:20 P.M., in Book 1 of Surveys at page 9 at the request of

INTALCO ALUMINUM CORPORATION  
 COUNTY AUDITOR

DEPUTY AUDITOR

## SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of INTALCO ALUMINUM CORPORATION in January, 2012

Land Surveyor: TYLER J. SWEET, PLS  
 Certificate No. 29293 Date: 01/23/2012

Jan 23 2012



**APS**  
 SURVEY & MAPPING  
 1821 S.E. 26TH STREET, SUITE A  
 BELLEVUE, WA 98006  
 TEL: (425) 744-5200  
 FAX: (425) 744-5342

## RECORD OF SURVEY TRIPLE-LINED LANDFILL SURVEY FOR INTALCO ALUMINUM CORPORATION

DRAWN BY: LSD	DATE: 01/23/12	JOB NO. 1142005
CHECK BY: TJS	SCALE: 1"=500'	SHEET 1 of 1