



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 4, 2002

Mr Bruce A. Bodine
Mrs Debra M. Bodine
Auto Mall
1401 South Sprague
Tacoma, WA 98405

RE: Site at 1401 South Sprague Avenue, Tacoma, Washington
(formerly 1235 South Sprague Avenue)

Dear Mrs Bodine and Mr Bodine:

Thank you for submitting the results of your independent remedial action for review by the Washington State Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the soils remediation activities at the 1401 South Sprague Avenue, Tacoma, Washington:

- Applied Geotechnology Inc., **Final Report Site Remediation**, April 1991
- Letter dated October 29, 2002, from Saltbush Environmental Services, Inc., to Ecology

The above-listed reports will be kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology for review by appointment only. Appointments can be made by calling the SWRO resource person at (360) 407-6365

Based upon the above listed information, Ecology has determined that, at this time, the release of total petroleum hydrocarbons into the soil no longer poses a threat to human health or the environment. Therefore, Ecology is issuing the determination that no further remedial action is necessary at this site under the MTCA, Chapter 70 105D RCW, provided that Mr Bruce A and Mrs Debra M Bodine comply with the requirements in the Restrictive Covenant, which is attached to this letter. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70 105D 030(1)(i) and does not constitute a settlement by the state under RCW 70 105D 040(4) and is not binding on Ecology.

Mr Bruce A. Bodine
Mrs. Debra M. Bodine
November 4, 2002
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Ecology's "No Further Action" determination is made only with respect to the releases identified in the reports listed above and applies only to the area of the property affected by the releases at 1401 South Sprague Avenue in Tacoma, Washington, as identified in the reports. It does not apply to any other release or potential release at the property, any other areas on the property, or any other properties owned or operated by Mr. Bruce A. and Mrs. Debra M. Bodine.

Ecology will update its databases to reflect this No Further Action determination.

The State of Washington, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions about any of the information presented in this letter, please contact me at (360) 407-6256.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohsen Kourehdar", with a long horizontal flourish extending to the right.

Mohsen Kourehdar, P.E.
Toxics Cleanup Program
Southwest Regional Office

Attached: Restrictive Covenant



200211040823 6 PGS
11-04-2002 03:29pm \$24.00
PIERCE COUNTY, WASHINGTON

Name & Return Address:

Bruce Bodine
1401 So. Sprague Ave
Tacoma, WA 98405

Please print legibly or type information.

Document Title(s)	Restrictive Covenant
Grantor(s)	Bruce A. and Mrs Debra M. Bodine
____ Additional Names on Page ____ of Document	
Grantee(s)	State of Washington, Dept 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) 05/20/03 NW SW	
Complete Legal Description on Page <u>3</u> of Document	
Auditor's Reference Number(s)	
Assessor's Property Tax Parcel/Account Number(s) Parcel # 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 style="text-align: right; font-size: 2em; font-weight: bold;">COPY</p>	
Signature of Requesting Party (Required for non-standard recordings only)	
Gpcovst.doc rev 4/02	

RESTRICTIVE COVENANT

Mr. Bruce A. and Mrs. Debra M Bodine, the Automall Property

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Mr. Bruce A. and Mrs. Debra M. Bodine, their successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property consisted of identifying inaccessible contamination located underneath an existing building on the property. These activities are described in the following documents:

Final Report, Site Remediation, Former Pierce Transit Maintenance Facility, Applied, Geotechnology, April, 1991; Letter Report Columbia Environmental, Inc, September 15, 1995; Letter Report Columbia Environmental, Inc, October 17, 1995

These documents are on file at Ecology's SWRO and define the probable nature of and limited extent of contamination underneath an existing building.

This Restrictive Covenant is required because the site characterization resulted in residual concentrations of petroleum hydrocarbons that exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340. The remaining petroleum hydrocarbon contamination is

present beneath the footings along the north wall and beneath portions of the east and west walls at the northeast and northwest corners of the existing building. Additional areas of remaining contamination are also located near the center of the north room of the former maintenance building. More specifically, the remaining areas are near the vicinity of hydraulic hoist 1 shown in the figures of the final report filed by Applied Geotechnology, Inc. (April 1991).

The undersigned, Mr. Bruce A. and Mrs. Debra M. Bodine are the fee owners of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as generally located within the Northwest Quarter of the Southwest Quarter of Section 05, Township 20 North, Range 03 East, W.M. More specifically, the site is located at 1401 South Sprague Avenue Street, Tacoma, Washington 98405. Pierce County records note the subject property as one (1) tax parcel assigned account number 0320057006.

Mr. Bruce A. and Mrs. Debra M. Bodine 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 portion of the Property contains petroleum hydrocarbon contaminated soil located under the building. 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 contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the 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) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

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Mr. Bruce A. Bodine

DATE SIGNED

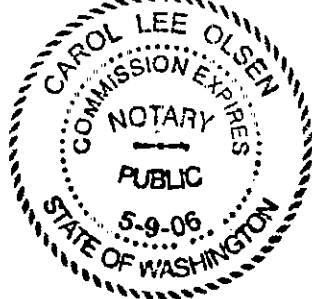
Mrs. Debra M. Bodine

DATE SIGNED

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

STATE OF WASHINGTON)
) ss.
County of Pierce)

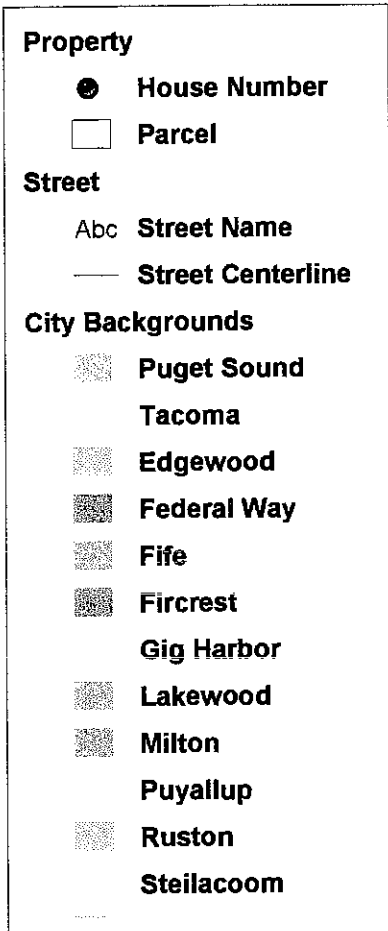
I certify that I know or have satisfactory evidence the Bruce A. Bodine and Debra M. Bodine are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.



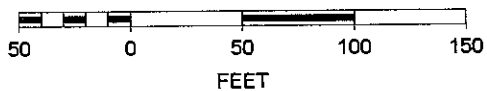
Dated: November 4, 2002

Carol Lee Olsen
My commission expires May 9, 2006.

City of Tacoma



SCALE 1 : 1,018



City of Tacoma

Street

- Abc **Street Name**
— **Street Centerline**

City Backgrounds

-  **Puget Sound**
 **Tacoma**
 **Edgewood**
 **Federal Way**
 **Fife**
 **Fircrest**
 **Gig Harbor**
 **Lakewood**
 **Milton**
 **Puyallup**
 **Ruston**
 **Steilacoom**
 **University Place**
 **Pierce County**



SCALE 1 : 8,145

