



**SECOND PERIODIC REVIEW REPORT
FINAL**

**Heuvel Enterprises
Facility Site ID#: 4273089**

**4601 NE 78th Street
Vancouver, Washington 98665**

Southwest Regional Office

TOXICS CLEANUP PROGRAM

July 2017

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup conditions and monitoring data to ensure that human health and the environment are being protected at the Heuvel Enterprises Site (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 polychlorinated biphenyls (PCBs) in soil exceeding MTCA Method A (Unrestricted Land Use) cleanup levels remaining at the Site. The MTCA Method A cleanup levels for soil are established under WAC 173-340-745(2). The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- Whenever the department conducts a cleanup action.
- Whenever the department approves a cleanup action under an order, agreed order or consent decree.
- Or, as resources permit, whenever the department issues a No Further Action (NFA) opinion
- 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 the department 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.
- (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 History

The Heuvel Enterprises Site is located at 4601 NE 78th Street in Vancouver, Clark County, Washington. The parcel is located in a commercial business park (light industrial activity) on the south side of 78th Street. The property is bordered on the south and east side by a single set of railroad tracks, on the north by the four-lane NE 78th Street, and on the west by a convenience store and light industrial commercial business park consisting of one-story buildings. To the south is a heavy industrial Site, Boomsnub, which is an active cleanup site. To the east, beyond the railroad tracks and NE 47th Street, is the heavy industrial site, Airco/BOC Gases (BOC), which is also a cleanup site. Cleanup at both the Boomsnub and BOC sites is being managed by the U.S. Environmental Protection Agency (EPA). A vicinity map is available as Appendix 6.1.

Reportedly, the Site was used as a metal salvage and scrap yard by Cliff Koppe Metals beginning sometime in the 1950s. The property was purchased by Heuvel Enterprises in the early 1980s. The Site was leased to an automobile towing company until the late 1980s. Following use by the towing company, the Site was vacant until development as a business park in 2002. The present development is a small business park and includes three one-story, tilt up concrete wall buildings built on slab-on-grade concrete foundations with asphalt-covered parking areas and driveways.

Following the remedial activities, a Restrictive Covenant (RC) was recorded for the property on March 27, 2003 and was amended on May 7, 2007 adding an additional section regarding the approval of a Long Term Groundwater Monitoring Plan dated December 16, 2006. The Site received a NFA determination on June 4, 2007.

As a part of the Site development work, a subsurface stormwater retention system (SWRS) constructed of galvanized corrugated metal pipe was installed on the western portion of the Site. Stormwater from the Site is routed through the retention system before being discharged to the Clark County stormwater system. A Site plan is available as Appendix 6.2.

2.2 Pre-Existing Off-Site Contamination Sources

Chromium present in groundwater at the Site is attributable to established sources on the Boomsnub property, and halogenated organics and non-halogenated solvents present in groundwater at the Site are attributable to sources on the BOC property. The groundwater flow direction from these two Sites is to the west and northwest, and the groundwater plumes are co-mingled beneath the Heuvel Site.

Two monitoring wells are located on the western boundary of the Site: MW-9B (screened at 45.3 to 54.7 feet below ground surface [bgs]) and MW-9C (screened at 65 to 75 feet bgs). These wells were installed to monitor contamination associated with the Boomsnub and BOC Sites.

Groundwater flow beneath the Site is to the west-northwest, and the depth to groundwater is between 17 to 29 feet bgs.

This periodic review does not attempt to evaluate chromium, halogenated organic or non-halogenated solvent contamination in groundwater at the Site resulting from the Boomsnub or BOC properties.

2.3 Cleanup Levels

The property is zoned ML, light industrial, and meets the definition of an Industrial Properties in WAC 173-360-200 and in WAC 173-360-745, so MTCA Method A soil cleanup levels for industrial properties were determined to be appropriate for the Site.

WAC 173-340-745 (1)(a)(ii) requires the use of institutional controls when MTCA Method A industrial cleanup levels are used at a Site. At a minimum, this must include placement of a Covenant on the property restricting use of the areas of the Site where industrial soil cleanup levels are used to industrial property uses.

2.4 Site Investigations

2.4.1 Soil Investigations

In early December 2002, during construction of the SWRS, a Clark County Construction Inspector noted the fill soil appeared stained black and had an oily smell. Construction work on the SWRS was stopped by the County Inspector until environmental issues at the Site could be evaluated.

3 Kings Environmental was contracted to collect surface samples of fill soil from the west side of the SWRS. Soil samples were analyzed for total petroleum hydrocarbon identification (NWTPH-HCID), diesel- and oil-range petroleum hydrocarbons (TPH-D and TPH-O) by Method NWTPH-Dx, and polychlorinated biphenyls (PCBs) by EPA Method 8082. One sample was also analyzed for toxicity characteristic leaching procedure (TCLP) 8 metals (arsenic, barium, cadmium, chromium, mercury, lead, selenium, and silver) and volatile organic compounds (VOCs) by EPA Method 8260. Analytical results indicated that no metals or VOCs were detected above the laboratory method reporting limits. The range of TPH-O and PCB-mixtures detected during the investigation are presented in Table 1.

Table 1: Pre-Remediation Soil Sample Results

| ANALYTE | CONCENTRATION RANGE (mg/Kg) | MTCA METHOD-A (INDUSTRIAL) CLEANUP LEVEL (mg/Kg) | MTCA METHOD-A (UNRESTRICTED LAND USE) CLEANUP LEVEL (mg/Kg) |
|---------------------|------------------------------------|---|--|
| TPH-O | 474 - 2030 | 2000 | 2000 |
| PCB-mixtures | 0.053 – 43.5 | 10 | 1 |

2030: above cleanup level

3 Kings Environmental collected additional samples during several sampling events in January 2003. Sample results continued to indicate that TPH-O and PCBs were present in shallow soils at concentrations exceeding MTCA Method A cleanup levels, but below MTCA Method A industrial cleanup levels.

On January 13, 2003, Ecology prepared and submitted a letter to the Clark County Code Enforcement Manager indicating the following:

"I have done a review of available soil, groundwater and stormwater sample analytical data for the Site at 4601 NE 78th Street. Soil with PCB concentrations above Method A Industrial Site cleanup levels have been excavated and disposed off-Site. There are no environmental issues regarding stormwater system construction. Environmental work will continue via groundwater monitoring from monitoring wells closest to the storm water retention system. The owner has been instructed to file a deed restriction on the property and implement the following institutional controls; cap the Site with pavement and continue groundwater monitoring for PCB analysis. I will keep you informed regarding results of the continuing environmental work at the Site."

The work stop order was lifted following receipt of the facsimile and the remaining screened soil (mostly native material) was used to bring the surface to level grade.

When work re-commenced on January 13, 2003, approximately 13.83 tons of soil were excavated and disposed of at the Hillsboro Landfill in Hillsboro, Oregon. The soil excavated was the sediment deposited at the west end of the SWRS. Sample results indicated that it contained PCBs at concentrations exceeding the MTCA Method A soil cleanup levels for industrial properties. Approximately 3 feet of soil was excavated from between and beneath the manifold piping on the west end of the SWRS. Two confirmation samples of screened fill soil were collected from the bottom of the excavation at 8.5 feet bgs (this area was the low spot at the Site during placement of the SWRS and was several feet below grade before the additional excavation to remove soil with PCB levels above industrial cleanup levels and were analyzed for TPH-D, TPH-O, and PCBs. The range of residual soil concentrations remaining on the Site are presented in Table 2, but none of these samples exceeded the MTCA Method A soil cleanup level for industrial properties.

Table 2: Post-Remediation Soil Sample Results

| ANALYTE | CONCENTRATION RANGE (mg/Kg) | MTCA METHOD-A (INDUSTRIAL) CLEANUP LEVEL (mg/Kg) | MTCA METHOD-A (UNRESTRICTED LOAND USE) CLEANUP LEVEL (mg/Kg) |
|----------------|------------------------------------|---|---|
| TPH-O | 1030 - 1710 | 2000 | 2000 |
| PCB mixtures | 1.93 – 5.49 | 10 | 1 |

2.4.2 Groundwater Investigations

On January 13, 2003, one groundwater sample was collected from monitoring well MW-9b and analyzed for PCBs. Analytical results indicated that PCBs were not detected above laboratory method reporting limits.

In an Opinion Letter from Ecology dated March 10, 2003, it was indicated that PCB and TPH contamination above the MTCA Method A soil cleanup levels for unrestricted land uses had been left on the Site and institutional controls would be needed. Continued groundwater monitoring was one of the controls required for the Site and samples would be collected from MW-9B and analyzed for total PCBs, TPH, and benzene, toluene, ethyl benzene, and total xylenes (BTEX). The monitoring schedule would be every six months for two years.

The sample collected in January 2003 was part of that sampling requirement. Groundwater sampling was conducted on September 23, 2003 and on March 16, 2003 by 3 Kings Environmental. There were no detections of PCB, TPH, or BTEX compounds [contaminants of concern (COCs)] above the laboratory method reporting limits.

Prior to issuing a NFA determination for the Site, Ecology determined that compliance groundwater monitoring would be required. A long term compliance groundwater monitoring plan was created that required a groundwater sample to be collected from MW-9B every 20 months through 2012. Since 2007, a total of six rounds of groundwater monitoring has been conducted at the Site. Results of COCs were either below the MTCA Method A cleanup levels or below the laboratory detection limits, except the TPH-O concentration of 864 µg/l which exceeded MTCA Method A cleanup level of 500 µg/l during September 2014 sampling event. As a result of this exceedance and sporadic detections of TPH-D, still the groundwater monitoring is being conducted on a 20 months frequency. The Table 3 below presents the long-term groundwater monitoring results.

Table3: Long-Term Groundwater Monitoring Results

| Sampling Date | TPH-Diesel (µg/l) | TPH-Oil (µg/l) | Benzene (µg/l) | Toluene (µg/l) | Ehtylbenzene (µg/l) | Xylenes (µg/l) | PCBs (µg/l) |
|------------------------------------|-------------------|----------------|----------------|----------------|---------------------|----------------|-------------|
| 10/29/2007 | <250 | <500 | <1.0 | ND | ND | ND | <0.5 |
| 08/11/2009 | <80 | <500 | NS | NS | NS | NS | <1.0 |
| 04/21/2011 | <76 | <190 | <0.3 | ND | ND | ND | <0.0191 |
| 03/07/2013 | 136 | 230 | <0.3 | <0.5 | <0.5 | <1.5 | <0.0193 |
| 09/15/2014 | 279 | 864 | <0.3 | <0.5 | <0.5 | <1.5 | <0.0190 |
| 08/22/2016 | <204 | <408 | <0.2 | <1.0 | <0.5 | <1.5 | <0.101 |
| MTCA Method A Cleanup Level | 500 | 500 | 5 | 1,000 | 700 | 1,000 | 0.1 |

2.5 Restrictive Covenant

Due to the application of MTCA Method A industrial cleanup levels at the Site, a RC was required for the Site to be eligible for a NFA determination. A RC was recorded for the Site in 2003. An amendment to the RC was recorded in 2007, which added the Long Term Monitoring Plan which was discussed in Section 2.4.2. The original RC imposes the following limitations:

1. The Property shall be used only for traditional industrial uses, as described in RCW 70.1050.020(23) and defined in and allowed under the County of Clark's zoning regulations codified in the Clark County Code as of the date of this RC. 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. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stressed the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, 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 is prohibited.
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.
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.
5. The Owner must restrict leases to uses and activities consistent with the RC and notify all lessees of the restrictions on the use of the Property.
6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of the RC. Ecology may approve any inconsistent use only after public notice and comment.
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.

8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this RC 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 Addition in 2007 added the following condition:

9. On September 13, 2006, Ecology issued a "Further Action Determination" letter under WAC 173-340-515(5) requiring a long-term monitoring plan. Heuvel Enterprises, LLC contracted with 3 Kings Environmental, Inc. to draft a monitoring plan which was submitted to Ecology on December 16, 2006 and subsequently approved. A copy of the Long Term Monitoring Plan is attached to the RC as Attachment B and is made a part hereof as reference.

The Restrictive Covenant and the Amendment are available as Appendix 6.4 and 6.5 respectively.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on March 21, 2017, the asphalt and building cover at the Site is intact and in excellent condition. The majority of the Site is covered by asphalt and light industrial warehouse buildings. The asphalt cap at the Site continues to eliminate direct exposure pathways (ingestion, contact) to soils with TPH-O and PCB concentrations exceeding MTCA Method A unrestricted cleanup levels. It also appears to be effective in eliminating stormwater percolation into contaminated soils below the cap. A photo log is available as Appendix 6.6.

The original RC for the Site was recorded in 2003 and remains active. The RC 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. An amendment to the RC was recorded in 2007 and remains active. The amendment requires adherence to a compliance monitoring plan consisting of groundwater monitoring every 20 months at the Site. At the time of this review, groundwater monitoring was being conducted at the Site as required by the plan.

3.2 New scientific information for individual hazardous substances or mixtures present at the Site

Cleanup levels at the Site were based on regulatory standards rather than calculated risk for chemicals and/or media. These standards continue to be protective of Site-specific conditions.

3.3 New applicable state and federal laws for hazardous substances present at the Site

MTCA Method A industrial cleanup levels have not changed for contaminants of concern at the Site since remedial actions were completed in 2003. Contamination remains at the Site above MTCA Method A unrestricted land use cleanup levels, but below MTCA Method A industrial cleanup levels.

3.4 Current and projected Site use

The Site is currently used for retail and light-industrial purposes. The Site is occupied by a variety of businesses, including used car sales, pet care, auto body and steel fabrication. Future use of the Site is likely to remain retail and light-industrial, and will not likely have a negative impact on the integrity of the Site cap.

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

- Soil cleanup levels (Unrestricted Land Use) for PCB-mixtures have not been met at the Site; however, under WAC 173-340-740(6)(f), the cleanup action is determined to comply with soil cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies have been met.
- The Restrictive 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.
- The Restrictive Covenant requires periodic monitoring of groundwater at the Site (every 20-months). Groundwater monitoring has been conducted as required and the latest groundwater monitoring was conducted in August 2016. The next sampling event is scheduled for April 2018.

Based on this periodic review, Ecology has determined that the remedial actions conducted at the Site continue to be protective of human health and the environment. The requirements of the Restrictive Covenant are being satisfactorily followed and no additional remedial actions are required at the Site at this time. It is the property owner's responsibility to continue to inspect the Site to ensure that 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

3 Kings Environmental, Inc. *Soil Investigation and Remediation Report*. January 2003.

3 Kings Environmental, Inc. *Heuvel Enterprises*. January 16, 2003.

Ecology. *Restrictive Covenant*. March 19, 2003..

3 Kings Environmental, Inc. *Long Term Monitoring Plan*. December 16, 2006.

Ecology. *NFA Determination Letter*. June 4, 2007.

3 Kings Environmental, Inc. *Groundwater Monitoring at 4601 NE 78th Street*.
December 3, 2007.

3 Kings Environmental, Inc. *Groundwater Monitoring at 4601 NE 78th Street*.
October 15, 2009.

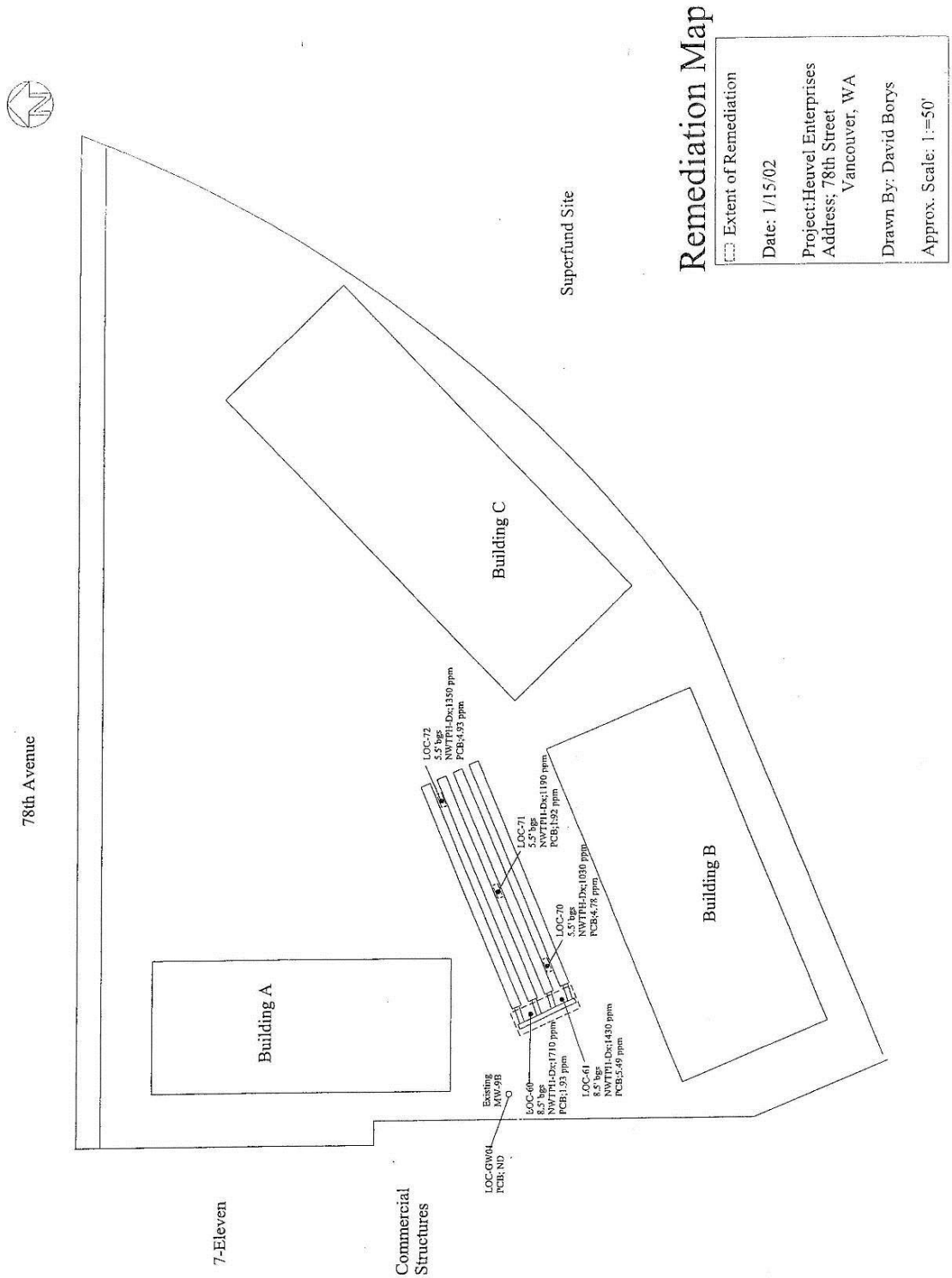
Ecology. *Addition to Restrictive Covenant*. May 30, 2007.

Ecology. *NFA Determination Letter*. June 4, 2007.

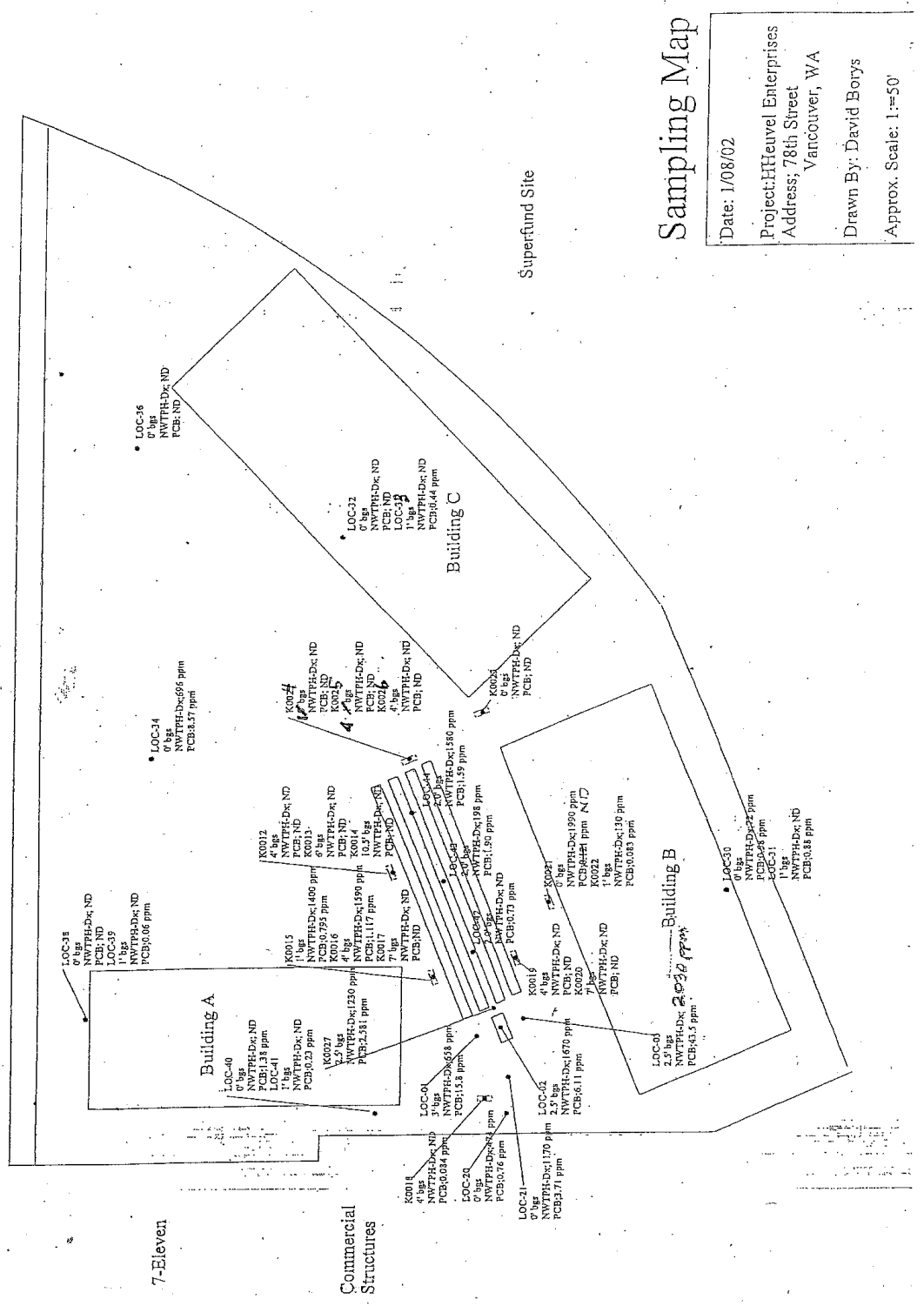
Ecology. *Site Visit*. March 21, 2017.

6.0 APPENDICES

6.2 Site Plan: Post-Remediation Soil Sampling Locations and Results



6.3 Pre-Remediation Soil Sampling Locations and Results



6.4 Restrictive Covenant



RESTRICTIVE COVENANT

OWNER: Heuvel Enterprises, LLC

PROPERTY: 4601 NE 78th Street Vancouver, Washington
Adjusted Lot 3: A portion of Lots 3 and 1, Short Plat Book 1, Page 701, a plat of record, situated in northeast ¼ of Section 12, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Heuvel Enterprises, LLC, 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 the Restrictive Covenant. The Remedial Action conducted at the property is described in the following document:

Soil Investigation & Remediation Report, January 16, 2003, 3 Kings Environmental, Inc.

This document is on file at Ecology's Southwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Polychlorinated Biphenyls (PCBs) which exceed the Model Toxics Control Act Method A Residential Cleanup levels for soil established under WAC 173-340-740.

The undersigned, Heuvel Enterprises, LLC, is the fee owner of real property (hereafter "Property") in the County of Clark, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in attachment A of this Restrictive Covenant and made a part hereof by reference.

Heuvel Enterprises 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. The following restrictions apply to the property.

The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the County of Clark's zoning regulations codified in the Clark County Code as of the date of this Restrictive Covenant.



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. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stressed the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, 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 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 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 the Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

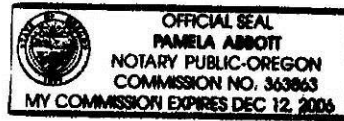
Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial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



Daniel P. Heuvel
Heuvel Enterprises, LLC, Owner

Date: MARCH 19, 2003



Witnessed and Notarized by:

Date: March 19, 2003

Print Name of Witness: PAMELA K ABBOTT

Signature: Pamela Abbott

Repetto & Associates, Inc.
Land Surveyors

1410 NE 106th Ave., Suite 100
Portland, OR 97220

Phone: 408-1507
Fax: 408-2370

Date: April 30, 2001

Dan Heuvel
N.E. 78th Street, Vancouver, WA
Property Line Adjustment



LEGAL DESCRIPTION

ADJUSTED LOT 3

A portion of Lots 3 and 1, Short Plat Book 1, Page 701, a plat of record, situated in the northeast ¼ of Section 12, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington, that tract of land being more particularly described below;

Commencing at the northeast corner of said Lot 3 being on the south right of way line of N.E. 78th Street, also on the westerly railroad right of way line of the Chelactche Prairie Railroad and being monumented by a 5/8" Iron Rod with a yellow plastic cap stamped "CLARK COUNTY SURVEYOR" which falls EAST, 0.14 feet of the true corner; thence, along said westerly railroad right of way line, also being the southerly line of said Lot 3, along the arc of a 924.93 foot radius curve to the right through a central angle of 0°45'24" (chord bears South 36°42'09" West, 12.22 feet) a distance of 12.22 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935" at the True Point of beginning; thence, continuing along said westerly railroad right of way line and said south line of Lot 3, along the arc of a 924.93 foot radius curve to the right through a central angle of 21°21'38" (chord bears South 47°45'40" West, 342.83 feet) a distance of 344.82 feet to the southern most corner of said Lot 3, also being the southeast corner of said Lot 1, being monumented by a 5/8" Iron Rod with a yellow plastic cap stamped "REPPETO LS 12136", which bears SOUTH, 0.16 feet from the true corner; thence, continuing along said westerly railroad right of way line and the southerly line of said Lot 1, South 58°26'29" West, a distance of 155.67 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935"; thence, North 31° 33'31" West, a distance of 60.08 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935; thence, North 01°51'37" East, a distance of 157.32 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935"; thence, North 88°22'27" West, a distance of 8.00 feet to the southwest corner of said Lot 3, also being the northeast corner of said Lot 1, being monumented by a 5/8" Iron Rod with a yellow plastic cap stamped "REPPETO LS 12136", which bears NORTH, 0.17 feet from the true corner; thence, along the west line of said Lot 3, North 01°51'37" East, a distance of 115.31 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935"; thence, parallel with the north line of said Lot 3, South 88°21'17" East a distance of 417.22 feet to the True Point of Beginning.

Containing 80,114 Square Feet (1.839 Acres).

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6.5 Addition to Restrictive Covenant

4329694 AMD

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ADDITION TO RESTRICTIVE COVENANT

Reference Numbers(s) of related documents:

3609530

Additional Reference #'s on page ____

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

HEUVEL ENTERPRISES, LLC

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)

S12T2N1E

Additional legal is on page ____

Assessor's Property Tax Parcel/Account Number

099620-010

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.

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.

Daniel Heuvel
Signature of Requesting Party

ADDITION TO RESTRICTIVE COVENANT

Restrictive Covenant, record number 3609530, was recorded in Clark County, Washington on March 27, 2003. The Restrictive Covenant imposed limitations on the use of property identified as tax parcel 099620-010 and by abbreviated legal description as S12T2NR1E. The property is legally described in Attachment A of this Addition to Restrictive Covenant and made a part hereof by reference.

Limitations imposed by the original Restrictive Covenant were as directed by the State of Washington Department of Ecology.

The following language (Section 9) is hereby added to the original Restrictive Covenant. All previous recorded sections (Sections 1 through 8) of the Restrictive Covenant remain in effect as previously recorded.

Section 9. On September 13, 2006, Ecology issued a "Further Action Determination" letter under WAC 173-340-515(5) requiring a long-term monitoring plan. Heuvel Enterprises, LLC contracted with 3 Kings Environmental, Inc. to draft a monitoring plan which was submitted to Ecology on December 16, 2006 and subsequently approved. A copy of the Long Term Monitoring Plan is attached to the Restrictive Covenant as Attachment B and is made a part hereof as reference.

Daniel P. Heuvel
Heuvel Enterprises, LLC, Owner

May 25, 2007
Date

Witnessed and Notarized by:

Date: 5/25/07



Print Name of Witness: Patricia J. Zimmerman

Signature: [Handwritten Signature]

WILLAMETTE MERIDIAN

Repetto & Associates, Inc.
Land Surveyors

1410 NE 106th Ave., Suite 100
Portland, OR 97220

Phone: 408-1507
Fax: 408-2370

Date: April 30, 2001

Dan Heuvel
N.E. 78th Street, Vancouver, WA
Property Line Adjustment



LEGAL DESCRIPTION

ADJUSTED LOT 3

A portion of Lots 3 and 1, Short Plat Book 1, Page 701, a plat of record, situated in the northeast ¼ of Section 12, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington, that tract of land being more particularly described below;

Commencing at the northeast corner of said Lot 3 being on the south right of way line of N.E. 78th Street, also on the westerly railroad right of way line of the Chelactche Prairie Railroad and being monumented by a 5/8" Iron Rod with a yellow plastic cap stamped "CLARK COUNTY SURVEYOR" which falls EAST, 0.14 feet of the true corner; thence, along said westerly railroad right of way line, also being the southerly line of said Lot 3, along the arc of a 924.93 foot radius curve to the right through a central angle of 0°45'24" (chord bears South 36°42'09" West, 12.22 feet) a distance of 12.22 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935" at the True Point of beginning; thence, continuing along said westerly railroad right of way line and said south line of Lot 3, along the arc of a 924.93 foot radius curve to the right through a central angle of 21°21'38" (chord bears South 47°45'40" West, 342.83 feet) a distance of 344.82 feet to the southern most corner of said Lot 3, also being the southeast corner of said Lot 1, being monumented by a 5/8" Iron Rod with a yellow plastic cap stamped "REPPETO LS 12136", which bears SOUTH, 0.16 feet from the true corner; thence, continuing along said westerly railroad right of way line and the southerly line of said Lot 1, South 58°26'29" West, a distance of 155.67 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935"; thence, North 31° 33'31" West, a distance of 60.08 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935; thence, North 01°51'37" East, a distance of 157.32 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935"; thence, North 88°22'27" West, a distance of 8.00 feet to the southwest corner of said Lot 3, also being the northeast corner of said Lot 1, being monumented by a 5/8" Iron Rod with a yellow plastic cap stamped "REPPETO LS 12136", which bears NORTH, 0.17 feet from the true corner; thence, along the west line of said Lot 3, North 01°51'37" East, a distance of 115.31 feet to a 5/8" Iron Rod with a yellow plastic cap stamped "BUCKLES LS 30935"; thence, parallel with the north line of said Lot 3, South 88°21'17" East a distance of 417.22 feet to the True Point of Beginning.

Containing 80,114 Square Feet (1.839 Acres).

H00041A.DOC

6.6 Photo log

Photo 1: North Property Boundary – from the northwest



Photo 2: Approximate Area of PCB Soil Contamination Left-in-Place – from the northeast



Photo 3: Approximate Area of PCB Soil Contamination Left-in-Place – from the Southwest



Photo 4: Padden Industrial Park Buildings – from the northwest



Photo 5: Padden Industrial Park Buildings – from the southeast



Photo 6: Groundwater Monitoring Well 9b

