



## **PERIODIC REVIEW**

**Costco Wholesale 670  
Facility Site ID#: 82832887  
Cleanup Site ID#: 1073**

**5601 East Sprague Avenue  
Spokane Valley, Washington 99212**

**Eastern Regional Office**

**TOXICS CLEANUP PROGRAM**

**April 2012**

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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 ensure that 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).

Cleanup activities at this Site were conducted under the Voluntary Cleanup Program. The cleanup actions resulted in concentrations of total petroleum hydrocarbons (TPH), polynuclear aromatic hydrocarbons (PAHs), lead, cadmium, zinc and mercury in soil exceeding MTCA Method A cleanup levels remaining at the Site. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). The MTCA rule also 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 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, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site.
- (b) New scientific information for individual hazardous substances of 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 Costco Wholesale 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 adjacent 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, the Site was owned by Home Depot and a paved access driveway and stormwater runoff swale was 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. 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 Cleanup Levels**

WAC 173-340-704 states that MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for this Site. The cleanup actions conducted at the Site were determined to be 'routine', few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

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## **2.3 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. Groundwater sampling indicated the presence of lead at concentrations exceeding the MTCA Method A cleanup level.

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 a no further action status from Ecology.

## **2.4 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 below ground surface [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. Analytical data is available as Appendix 6.3. 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 between August 1 and 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 below grade. About 1 foot of non-

contaminated 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 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 and lead, mercury, diesel and 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. An additional 2 feet of soil was removed from this area and was then resampled (CS-J2). Results were below cleanup levels.

## 2.5 Institutional Controls

It was determined that the Site would be eligible for a no further action determination with the implementation of institutional controls in the form of a restrictive covenant. A restrictive 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

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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**

Based upon the Site visit conducted on September 10, 2011, the containment areas remain covered by asphalt. The asphalt is in excellent condition with only minor visible cracking. The asphalt appears well maintained and continues to provide an adequate barrier to direct exposure pathways (ingestion, contact) to the capped contaminated soils. Additionally, this cover prevents water infiltration which could increase the mobility of the contaminants to groundwater. The Site remains occupied by a Costco Wholesale store. All areas of the Site are accessible to the public. A photo log is available as Appendix 6.5.

The GeoEngineers Independent Remedial Action Report from 2001 states that Costco should complete annual monitoring of the asphalt cap. There is no evidence that this has been conducted; however, there are no conditions in the no further action letter from Ecology, or the recorded restrictive covenant that state annual monitoring of the asphalt cap is required. Site inspections conducted during periodic reviews every five years are sufficient to ensure that the remedy for the Site remains protective of human health and the environment.

The Restrictive Covenant for the Site was recorded with Spokane County and remains active. The Restrictive Covenant prohibits activities that may expose contaminated soils capped at the Site, and prohibits any use of the property that is inconsistent with the Covenant.

The remedial actions conducted at the Site continue to be effective at protecting human health and the environment from the hazardous substances capped at the Site.

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

There is no new relevant scientific information for the contaminants related to the Site.

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

MTCA Method A cleanup levels have not changed for contaminants of concern at the Site since the no further action determination was issued in 2006.

### **3.4 Current and projected Site use**

The Site is currently occupied by a Costco Wholesale store. There have been no changes in current or projected Site or resource uses.



### **3.5 Availability and practicability of more permanent remedies**

The remedy implemented included containment of hazardous substances. Containment remains an effective remedy for the contamination remaining beneath Site structures. More permanent remedies are available; however, they are not practical for 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 remedial actions conducted at the Site appear to be protective of human health and the environment.
- MTCA Method A soil cleanup levels have not been met at the Site; however, under WAC 173-340-740(6) (f), the cleanup action is determined to comply with cleanup standards, since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- A Restrictive Covenant is in place for the property and is effective in preserving the remedy and preventing exposure to contaminated soils capped at the Site.

Based on this periodic review, the Department of Ecology has determined that remedial actions conducted at the Site continue to be protective of human health or the environment. The requirements of the Restrictive Covenant are being satisfactorily met and no additional remedial actions are required. It is the property owner's responsibility to continue to inspect the Site to ensure that the integrity of the remedial actions 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. *Independent Remedial Action Report*. June 14, 2001.

Ecology. *VCP Review for Costco Wholesale Store*. July 27, 2001.

Ecology. *Restrictive Covenant*. May 17, 2006.

Pacific Crest Environmental. *Restrictive Covenant and Request for No Further Action Determination*. July 10, 2006

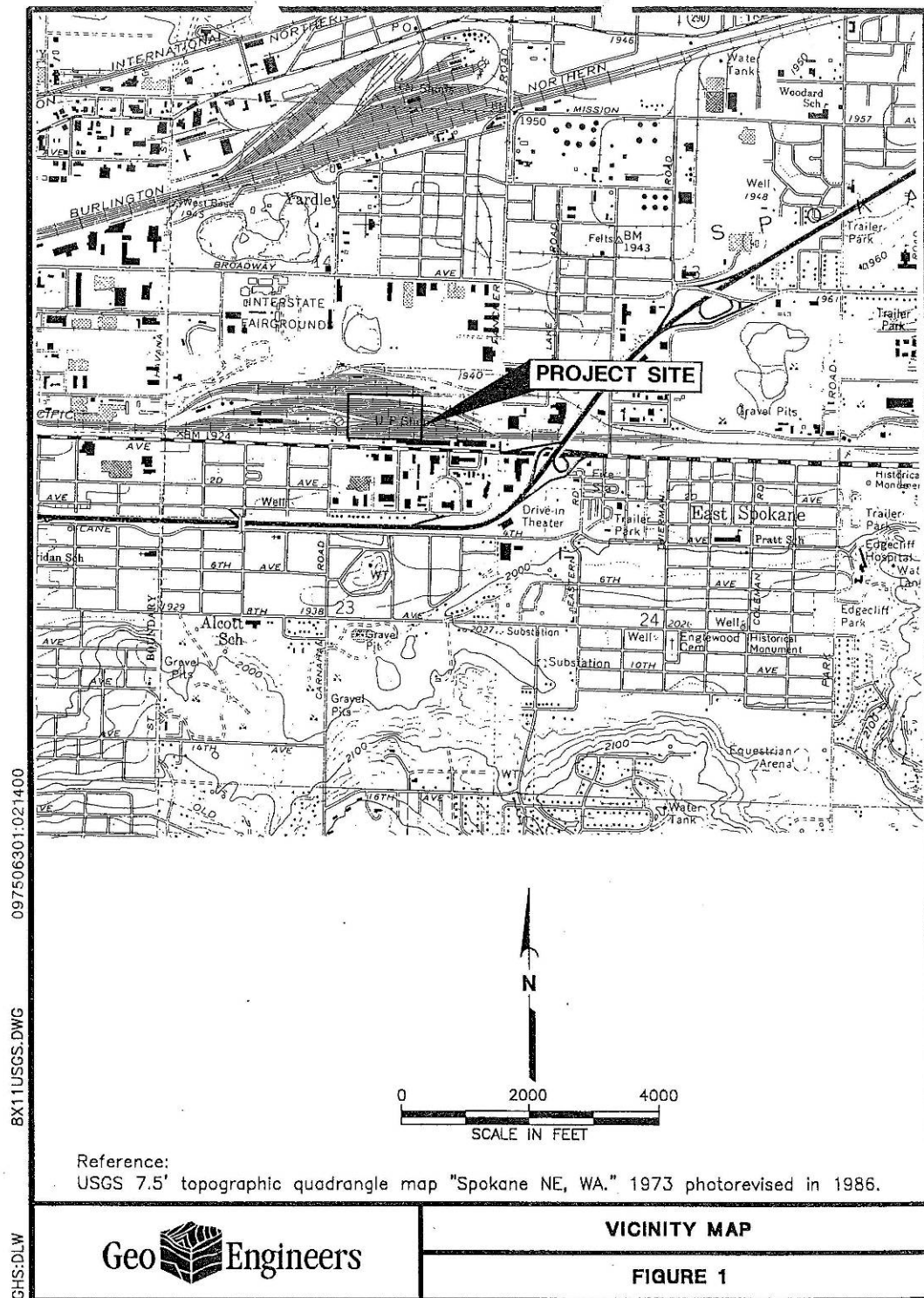
Ecology. *No Further Action Determination Letter*. July 24, 2006.

Ecology. *Site Visit*. September 10, 2011.

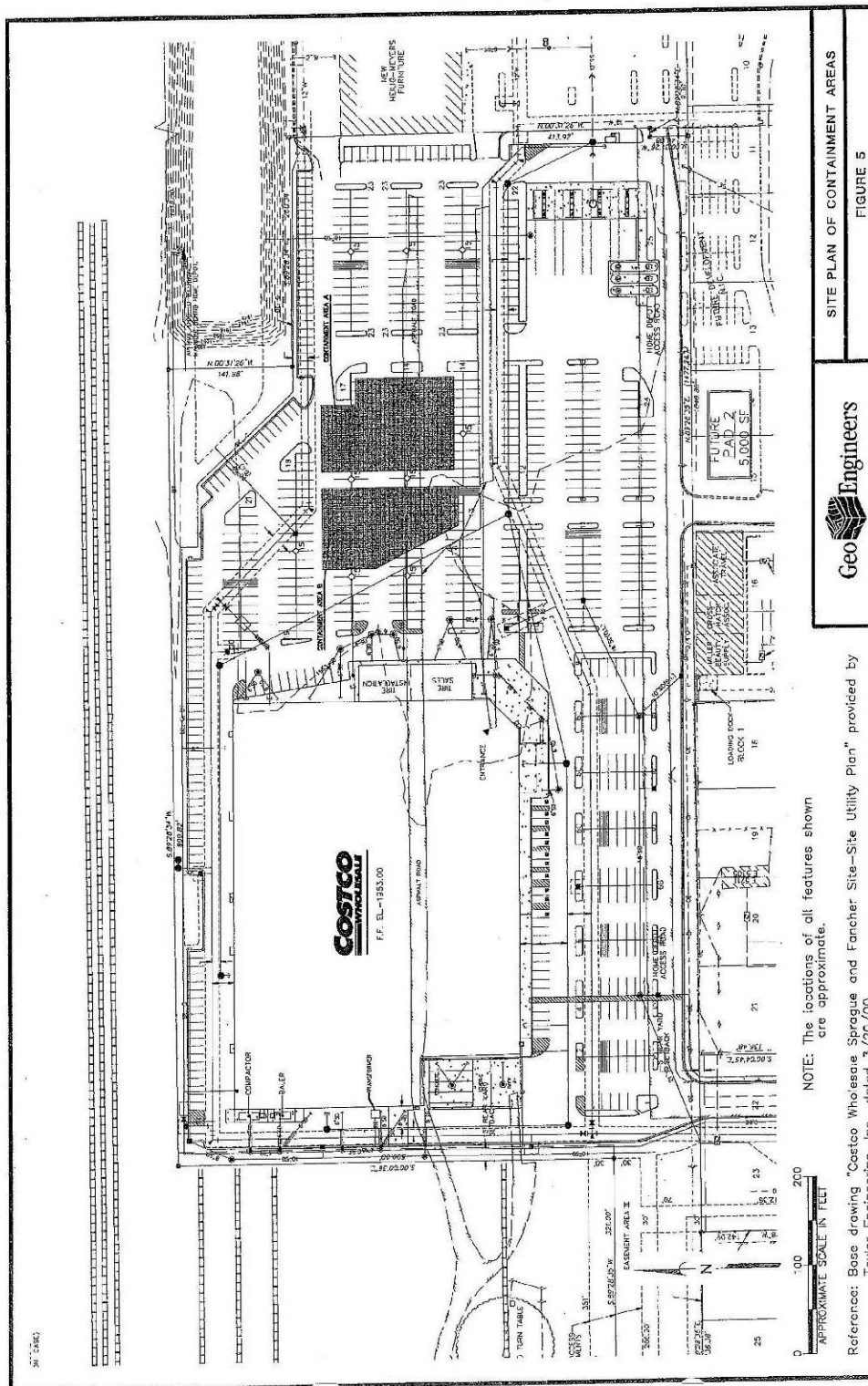
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## **6.0 APPENDICES**

## 6.1 Vicinity Map



## 6.2 Site Plan



## 6.3 Analytical Data

TABLE 1 (Page 1 of 2)  
PRE-REMEDIATION TEST PIT LABORATORY RESULTS - SOIL<sup>1</sup>  
COSTCO WHOLESALE STORE AND GASOLINE FACILITY  
SPOKANE, WASHINGTON

Test Pit Number	Sample Number	Depth (feet)	Area	GRPH <sup>2</sup> (mg/kg)	DRPH <sup>3</sup> (mg/kg)	HORPH <sup>4</sup> (mg/kg)	Cadmium <sup>5</sup> (mg/kg)	Lead <sup>6</sup> (mg/kg)	Zinc <sup>6</sup> (mg/kg)	Mercury <sup>6</sup> (mg/kg)	Other <sup>6,7</sup> (mg/kg)
TP-3	TP-3-2	2	Main Parcel	--	<10.0	<25.0	<0.214	6.02	18.8	<0.0500	
	TP-3-0.5	0.5		--	--	--	0.466	59.9	--	--	
TP-4	TP-4-1	1	Main Parcel	--	7640	46100	53.9	1510	7720	0.447	PCBs not detected; total carcinogenic PAHs exceed cleanup level.
	TP-4-3	3		--	<10	<25	<0.214	5.27	--	--	
TP-9	TP-9-1.5	1.5	Main Parcel	--	<10.0	<25.0	<0.214	23.3	61.2	<0.0500	
TP-10	TP-10-8.5	8.5	Main Parcel	<20 <sup>8</sup>	<50 <sup>8</sup>	<100 <sup>8</sup>	<0.214	12.8	--	--	
TP-11	TP-11-1.5	1.5	Main Parcel	--	--	--	<0.214	11.2	--	--	
TP-12	TP-12-1.5	1.5	Main Parcel	--	--	--	<0.214	7.2	--	--	
TP-13	TP-13/2.5	2.5	Main Parcel	--	<10.0	<25.0	<0.214	13.4	46.2	<0.0500	
TP-14	TP-14/1	1	Main Parcel	--	--	--	<0.214	5.28	--	--	
	TP-14/2.5	2.5		--	<10.0	<25.0	<0.214	8.5	27.6	<0.0500	PCBs not detected; PAHs not detected
TP-17	TP-17-1/2	2	Main Parcel	--	<10.0	29.3	<0.214	44.4	66.8	<0.0500	
	TP-17-2/1.5	1.5		--	123	519	13.1	1320	1810	0.397	PCBs not detected; total carcinogenic PAHs exceed cleanup level.
TP-18	TP-18/1.5	1.5	Main Parcel	<20 <sup>8</sup>	<50 <sup>8</sup>	<100 <sup>8</sup>	<0.214	327	121	<0.0500	VOCs not detected
TP-19	TP-19/2	2	Main Parcel	<20 <sup>8</sup>	<50 <sup>8</sup>	<100 <sup>8</sup>	0.481	155	251	<0.0500	VOCs not detected
TP-20	TP-20/5	5	Main Parcel	<20 <sup>8</sup>	<50 <sup>8</sup>	<100 <sup>8</sup>	0.656	105	97.9	0.0669	VOCs not detected
TP-21	TP-21/4.5	4.5	Main Parcel	<20 <sup>8</sup>	15.7	181	<0.214	32.3	73.4	<0.0500	VOCs not detected
TP-23	TP-23/1	1	Main Parcel	--	--	--	0.914	86.4	--	--	
TP-29	TP-29/0.75	.75	Main Parcel	--	--	--	0.231	19.3	--	--	
TP-32	TP-32/0.5	.5	Main Parcel	--	<10.0	<25.0	0.703	68.3	--	--	
	TP-32/0.75	.75		--	36.3	333	6.24	687	--	--	
TP-33	TP-33/0.5	.5	Main Parcel	--	--	--	0.662	94.6	--	--	
TP-36	TP-36/0.5	.5	Main Parcel	--	--	--	3.15	283	--	--	
TP-37	TP-37/2	2	Main Parcel	--	<10.0	38.9	1.06	106	--	--	

GeoEngineers

File No. 0975-063-00

TABLE 1 (Page 2 of 2)

Test Pit Number	Sample Number	Depth (feet)	Area	GRPH <sup>2</sup> (mg/kg)	DRPH <sup>3</sup> (mg/kg)	HORPH <sup>4</sup> (mg/kg)	Cadmium <sup>5</sup> (mg/kg)	Lead <sup>6</sup> (mg/kg)	Zinc <sup>5</sup> (mg/kg)	Mercury <sup>5</sup> (mg/kg)	Other <sup>6,7</sup> (mg/kg)
TP-39	TP-39/1	1	Main Parcel	--	--	--	4.86	334	--	--	
TP-40	TP-40/1.5 TP-40/3	1.5 3	Panhandle	--	<10.0 <10.0	75.0 <25.0	6.03 0.666	319 27	--	0.0688 <0.05	
TP-41	TP-41/0.5	.5	Panhandle	--	42.7	338	2.86	458	--	--	
MTCA Method A Cleanup Levels											
				100	200	200	80.0 <sup>8</sup>	250	24,000 <sup>9</sup>	24 <sup>9</sup>	PCBs: 1.0 PAHs: 1.0 VOCs: varies

Notes:

This table and copies of analytical laboratory certificates are included in Appendix a of this report.

1. Analyses performed by North Creek Analytical of Spokane, Washington.
2. Gasoline-range Petroleum Hydrocarbons
3. Diesel-range Petroleum Hydrocarbons by Washington State Method WTPH-D extended unless noted otherwise.
4. Heavy Oil-range Petroleum Hydrocarbons by Washington State Method WTPH-D extended unless noted otherwise.
5. Analysis by EPA 600/77000 Series Method.
6. PAHs analyzed by EPA Method 8100; PCBs analyzed by EPA Method 8081, volatile organic compounds (VOCs) analyzed by EPA Method 8260.
7. For brevity, individual analytes not shown. Refer to Appendix A for PAH, PCB, and VOC concentrations.
8. Analysis by Washington State Method Hydrocarbon Identification Analysis (WTPH-HCID).
9. Cleanup level as determined by Model Toxics Control Act (MTCA) Method B Methods.

mg/kg = milligrams per kilogram

Bold indicates exceedance of cleanup level

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TABLE 2  
PRE-REMEDIAL NEAR-SURFACE SAMPLE LABORATORY RESULTS - SOIL<sup>1</sup>  
COSTCO WHOLESALE STORE AND GASOLINE FACILITY  
SPOKANE, WASHINGTON

Sample Number	Depth (feet)	Area	Cadmium <sup>2</sup> (mg/kg)	Lead <sup>2</sup> (mg/kg)	Zinc <sup>2</sup> (mg/kg)	Mercury <sup>2</sup> (mg/kg)	Other <sup>3,4</sup>
SS-1	0-0.5	Lot 23	1.00	120	466	0.0622	--
SS-2	0-0.5		<0.214	38.7	57.5	<0.0500	PCBs not detected; total carcinogenic PAHs exceed cleanup level.
		Lot 23					
SS-3	0-0.5	Lot 23	<0.214	16.0	48.5	<0.0500	--
SS-4	0-0.5	Lot 23	3.04	325	206	0.0531	--
SS-5	0-0.5	Lot 22	<0.214	14.8	36.0	<0.0500	--
SS-6	0-0.5	Main Parcel	<0.214	13.5	33.9	<0.0500	--
SS-7	0-0.5		213	39100	49100	2120	PCBs detected at concentrations less than the cleanup level; total carcinogenic PAHs exceed cleanup levels.
		Panhandle					
SS-8	0-0.5		5.33	334	820	<0.0500	PCBs not detected; total carcinogenic PAHs exceed cleanup level
		Panhandle					
SS-9	1	Panhandle	<0.214	64.0	134	<0.0500	--
SS-10	0-0.5	Panhandle	12	1490	1850	0.0735	--
SS-11	0-0.5	Panhandle	<0.214	31.3	67.7	<0.0500	--
SS-12	0-0.5	Lot 23	0.546	102	228	<0.0500	--
MTCA Method A Cleanup Level			80 <sup>5</sup>	250	24,000 <sup>5</sup>	24 <sup>5</sup>	PCBs: 1.0 PAHs: 1.0

Notes:

- This table and copies of analytical laboratory certificates are included in Appendix A of this report.
- Analyses performed by North Creek Analytical of Spokane, Washington.
  - Analysis by EPA 6000/7000 Series Method.
  - PAHs analyzed by EPA Method 8100; PCBs analyzed by EPA Method 8081.
  - For brevity, individual analytes not shown. Refer to Appendix A for PAH and PCB concentrations.
  - Cleanup level as determined by Model Toxics Control Act (MTCA) Method B Methods.  
mg/kg = milligrams per kilogram  
Bold indicates exceedance of cleanup level

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## 6.4 Restrictive Covenant



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Page: 1 of 4  
05/17/2006 01:28P  
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 <sup>1</sup>/<sub>4</sub>, Section 14, T25N, R43E., W. M., Spokane City, WA.  
Commencing at SE corner of Section 14 .... together with Lots 22 and <sup>23</sup>  
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



5380425  
Page: 2 of 4  
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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,



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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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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

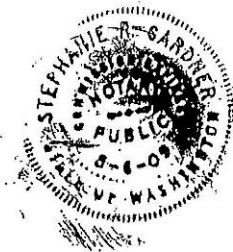
STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

On May 3, 2006, before me, a Notary Public in and for said State, personally appeared Richard T. 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



## 6.5 Photo log

**Photo 1: Stormwater Swale Northeast of Costco – from the southeast**



**Photo 2: Capped Containment Cell – from the east**





**Photo 3: Railroad Tracks North of Site – from the southeast**



**Photo 4: Former Rail Roundhouse and Vacant Property West of Site – from the east**

