



## **Second Periodic Review**

Old Inland Pit Site  
Facility Site ID#: 632  
Cleanup Site ID#: 1181

3808 North Sullivan Road  
Spokane, Washington 99220

Prepared by the  
Washington State Department of Ecology  
Toxics Cleanup Program  
Eastern Region Office

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 site conditions and monitoring data to ensure that human health and the environment are being protected at the Old Inland Pit site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in August 2009. This periodic review will evaluate the period from August 2009 through July 2017.

Cleanup activities at this Site were completed under Agreed Order No. DE 95TC-E101 entered into with Ecology in 1995 and amended in 1999. MTCA Method C cleanup levels were used for the Site, which requires the implementation of institutional controls. MTCA Method C cleanup levels for soil are established under WAC 173-340-745(5). WAC 173-340-420(2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) And one of the following conditions exists;
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. 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 conducting a periodic review and 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 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; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

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The department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SITE SUMMARY**

### **2.1 Site History**

The Old Inland Pit consists of approximately 10 acres, and is located on the east end of the City of Spokane in Spokane County, Washington. The Site is located in an industrial area. It is bordered by heavy equipment and industrial materials storage yards on the north, east, and south sides. To the west is vacant land with railroad spur lines. The Site remains vacant and undeveloped. A vicinity map is available as Appendix 6.1, and a Site plan is available as Appendix 6.2.

The Site overlies the Spokane Valley-Rathdrum Prairie Aquifer, the sole source of water for the greater Spokane area. Groundwater at the Site is about 65 to 70 feet below ground surface (bgs), and flows from the northeast to the southwest towards the Spokane River. Materials at depth and near the surface are comprised of native sands and gravels. The surficial soils are a mixture of native deposits and backfilled material, including foundry sands and baghouse dust.

The Site was operated by Inland Asphalt as a sand and gravel source from 1969 to 1978. Materials were excavated to a depth of 35 to 50 feet bgs. Spokane Steel Foundry Company (SSFC), located just east of the pit, disposed of waste foundry sands and baghouse dust from May 1978 to May 1983. The sands were from metal molding operations, and the baghouse dust was generated from sand sieving, sandblasting operations, and the residue of electric arc furnaces.

Approximately 200 tons of baghouse dust was thought to have been disposed of in the pit. Foundry sand disposal continued until 1986. In addition to the foundry dusts, permission was also given to Inland Asphalt and Central Premix to dispose of construction debris, and to Quarry Tile Company for disposal of broken decorative clay tiles. Combined dumping from all sources raised the bottom level of the pit to a uniform 35 feet bgs.

### **2.2 Site Investigations**

Concerns that the baghouse dust was potentially a hazardous waste first arose in 1981. In May 1983, Ecology collected four baghouse dust samples from the SSFC plant baghouses for waste classification. Two samples were from the sandblasting/sand sieving operations, and two were from electric arc furnaces. The furnace dusts failed the Static Basic Acute Fish Toxicity test (fish bioassay) and were classified as State-only dangerous waste under the authority of WAC 173-303. The foundry sands from the sieving operations were not classified as dangerous waste.

In August 1984, Ecology & Environment (E&E) conducted a Preliminary Site Assessment (PSA) for the Environmental Protection Agency (EPA), which consisted of interviews with SSFC personnel, a Site visit, and soil sampling. Samples were analyzed for inorganics, pesticides, and volatile and semi-volatile organics; elevated concentrations of copper, zinc, nickel, and chromium were detected. The results of the PSA were used to complete a Hazard

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Ranking System (HRS) scoring. The Site scored 29.45, which was high enough to be nominated to the National Priorities List in 1986. The nomination was formalized in February 1990.

In July 1986, Reed Corporation was contracted to assess the data gathered during the PSA, collect data to confirm those samples, and provide additional Site characterization. E&E collected additional soil and dust samples for the EPA in late 1988 to assess the distribution and concentration of potential contaminants on the Site. Both sample sets were analyzed for inorganics, organics, and pesticides.

E&E, under contract to Ecology, collected additional soil samples and installed four groundwater monitoring wells in May 1991. Groundwater samples were collected from these wells in May 1991 and April 1993. Those groundwater samples and the splitspoon soil samples collected during well installation were analyzed for the same groups of analytes as previous samples.

On April 20, 1995, the potentially liable persons (PLPs) entered into an Agreed Order with Ecology after public notice and opportunity to comment. Dames & Moore began Site investigations on behalf of the PLPs. Further soil sampling was performed. Groundwater samples were taken in January 1995, March 1996, June 1996, and September 1996. Additional dust samples were also collected from the pit floor in September 1995 for a second fish bioassay test. Those test results indicated the material would no longer be characterized as a state dangerous waste, likely due to the difference in sampling location. The complete history of Site investigations and sampling results is presented in the Final Phase I Remedial Investigation (RI).

The RI was completed by Dames & Moore, contractor to CH&E Investments, in August 1998. The conclusions reached by the studies are summarized below:

- The Site is located in an historically industrial area, with current and future use expected to continue as such;
- Approximately 200 tons of furnace baghouse dust was disposed of during a five year period, mainly in the northeast and south-central sections of the pit;
- Fish bioassay testing initially designated the furnace dust as a state-only dangerous waste, but repeat testing has shown that the waste no longer classifies as such;
- Contaminants of potential concern in soils were inorganics, especially arsenic, chromium, zinc, and aluminum. These were all detected at levels below applicable cleanup standards;
- Groundwater has not been affected by waste disposal practices at the Site.

Following the RI, it was determined that the no remedial action would be required at the Site if institutional controls were implemented for the property. A restrictive covenant was recorded for the property in 1999, and the provisions of the Agreed Order were deemed satisfied. No additional remedial actions were required for the Site.

## **2.3 Cleanup Levels**

WAC 173-340-706 states that MTCA Method C soil cleanup levels may be used for industrial properties under the following conditions:

- The area of the Site where industrial property soil cleanup levels are proposed must meet the definition of an industrial property under WAC 173-340-200;
  - WAC 173-340-200 states that industrial properties must be either:
    - Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A Revised Code of Washington (RCW) (Growth Management Act); or
    - For counties not planning under chapter 36.70A RCW (Growth Management Act) and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.
- The cleanup action provides for appropriate institutional controls implemented in accordance with WAC 173-340-440 to limit potential exposure to residual hazardous substances. This shall include, at a minimum, placement of a covenant on the property restricting use of the area of the Site where industrial soil cleanup levels are proposed to industrial property uses;
- Hazardous substances remaining at the property after remedial action would not pose a threat to human health or the environment at the Site or in adjacent nonindustrial areas.

The Site is zoned industrial, institutional controls were implemented as part of the remedy, and contaminants do not pose a threat to adjacent non-industrial areas; therefore, MTCA Method C soil cleanup levels were determined to be appropriate for the Site.

The highest possible use of groundwater beneath the Site is drinking water, so Method B groundwater cleanup levels were determined to be applicable for the Site. Details of cleanup level development are presented in the Cleanup Action Plan (CAP) issued by Ecology on January 20, 1999.

## **2.4 Remedial Activities**

Following the remedial investigation, the property owner obtained approval from Ecology to import fill to the Site. Significant quantities of soil were tested for contamination and imported to the Site for fill. The former pit area was filled in lifts until the majority of the Site was above the surrounding grade. A small ravine remains inside the eastern edge of the fence line.

Since there were no contaminants exceeding MTCA Method C cleanup levels, no contamination of groundwater, and minimal risks from hazardous materials remaining beneath the Site surface, the CAP did not require remedial activities; however, as mentioned in section 2.3, MTCA requires that where Method C Industrial Soil Cleanup Levels are used, a restrictive covenant must be recorded with the deed. A restrictive covenant was recorded for the Site in 1999.

## **2.5 Groundwater Monitoring**

As described above, four groundwater monitoring wells were installed at the Site in 1991. Samples were collected sporadically throughout investigation and remediation activities. Between 1995 and 2000, only barium, chromium, and lead were detected above laboratory detection limits. The only dissolved metals detected above laboratory detection limits were

barium and chromium. No contaminants were detected above MTCA Method A or B groundwater cleanup levels.

Groundwater analytical results are available as Appendix 6.3.

## **2.6 Restrictive Covenant**

A restrictive covenant was recorded for the property in 1999, and was amended in 2002 and 2006. The current restrictive covenant imposes the following limitations:

1. The Owner of the Premises must give written notice to Ecology, or to a successor agency, of the Owner's intent to convey any interest in the Premises at least thirty (30) days prior to such conveyance.
2. In the event that the Owner, any person or persons who may later own the Premises or any interest therein or any person claiming by, through or under them, proposes to use the Premises in a manner which is inconsistent in any way with these restrictive covenants, such person must give prior written notice to Ecology of its proposal and may use the Premises as proposed only after such proposal is approved in writing by Ecology.
3. No drilling for groundwater may occur on any portion of the herein before described property.
4. No excavation of any kind including drilling or digging deeper than 15 feet below ground surface may occur on any portion of the property described above.
5. Ecology and its designated representatives, shall have the right to enter the premises at reasonable times for the purpose of inspecting records and evaluating compliance with these restrictive covenants. Any activity on the property that may be in violation of these restrictive covenants is prohibited.

The restrictive covenant was amended in 2002, and again in 2006. Both amendments were to reduce the area impacted by the restrictive covenant. The limitations of the restrictive covenant were not changed substantively.



## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of Completed Cleanup Actions**

Based upon the Site visit conducted on July 13, 2017, the security fencing around the Site is in excellent condition and there are no signs of attempted access by the public. There are signs of animal activity on the Site surface, including burrowing animals, but these burrows do not likely extend to depths that may expose contaminants of concern at the Site. The Site remains undeveloped. According to the Spokane County Assessor's Office, the Site is owned by Kaiser Aluminum Washington, LLC. The current tax parcel identification numbers for the Site are 45024.9009 and 45024.9012. A photo log is available as Appendix 6.4.

#### **3.1.1 Direct Contact**

Cleanup actions at the Site were intended to eliminate human exposure to contaminated soils and groundwater at the Site. Exposure pathways to contaminated soils (ingestion, direct contact) were reduced by a combination of physical access restrictions and institutional controls. Fencing and the lack of direct vehicular access are effective at preventing public access to the Site. The extensive amount of fill and overburden on the portions of the Site containing industrial wastes effectively prevents possible exposure of these materials.

#### **3.1.2 Institutional Controls**

Institutional controls were implemented in the form of a restrictive covenant. The restrictive covenant helps to prevent the exposure of hazardous materials contained beneath the Site surface by prohibiting excavation, drilling, and any use of the property that is inconsistent with the covenant. The restrictive covenant and subsequent amendments remain active, and there is no evidence that any instruments have been recorded that limit the effectiveness or applicability of the covenant.

The tax parcel numbers for the Site have changed since the original restrictive covenant was recorded in 1999. The original covenant refers to tax parcel number 45024.9010, and each subsequent amended covenant appears to have copied that number. The Site was subdivided prior to 2006 and is currently made up of tax parcels 45024.9009 and 45024.9012. The effectiveness and applicability of the restrictive covenant is not affected because the restrictions in a covenant are applied to the legal description, not the tax parcel numbers. In the event that the property is sold, the title search will be based up on the legal description and the restrictive covenant will remain discoverable and effective.

### **3.2 New Scientific Information for Individual Hazardous Substances for Mixtures Present at the Site**

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

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### **3.3 New Applicable State and Federal Laws for Hazardous Substances Present at the Site**

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 Ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

MTCA Method C cleanup levels continue to be used at the Site. Though MTCA Method C cleanup levels have changed since the CAP was created in 1999, the cleanup action remains protective of human health and the environment.

### **3.4 Current and Projected Site Use**

The Site remains vacant. The perimeter fencing at the Site remains in excellent condition and prevents public access to the former pit area. There have been no changes in current or projected future Site or resource uses.

### **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 C cleanup levels. The presence of improved analytical techniques would not effect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Concentrations of contaminants of concern at the Site remain below MTCA Method C cleanup levels. The use of MTCA Method C cleanup levels requires the implementation of institutional controls at the Site, which is being met by the use of a restrictive covenant to limit property use.
- 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.

Based on this periodic review, the Department of Ecology has determined that the requirements of the restrictive covenant are being satisfactorily met. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure 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

Ecology. *Agreed Order No. 95TC-E101*. February 23, 1995.

Dames and Moore. *Final Report – Phase I Remedial Investigation*. February 27, 1998.

Ecology. *Amendment to Agreed Order No. 95TC-E101*. February 23, 1995.

United States Environmental Protection Agency. *Final Closeout Report for Old Inland Pit*.  
January 29, 1999.

Ecology. *Restrictive Covenant*. 1999.

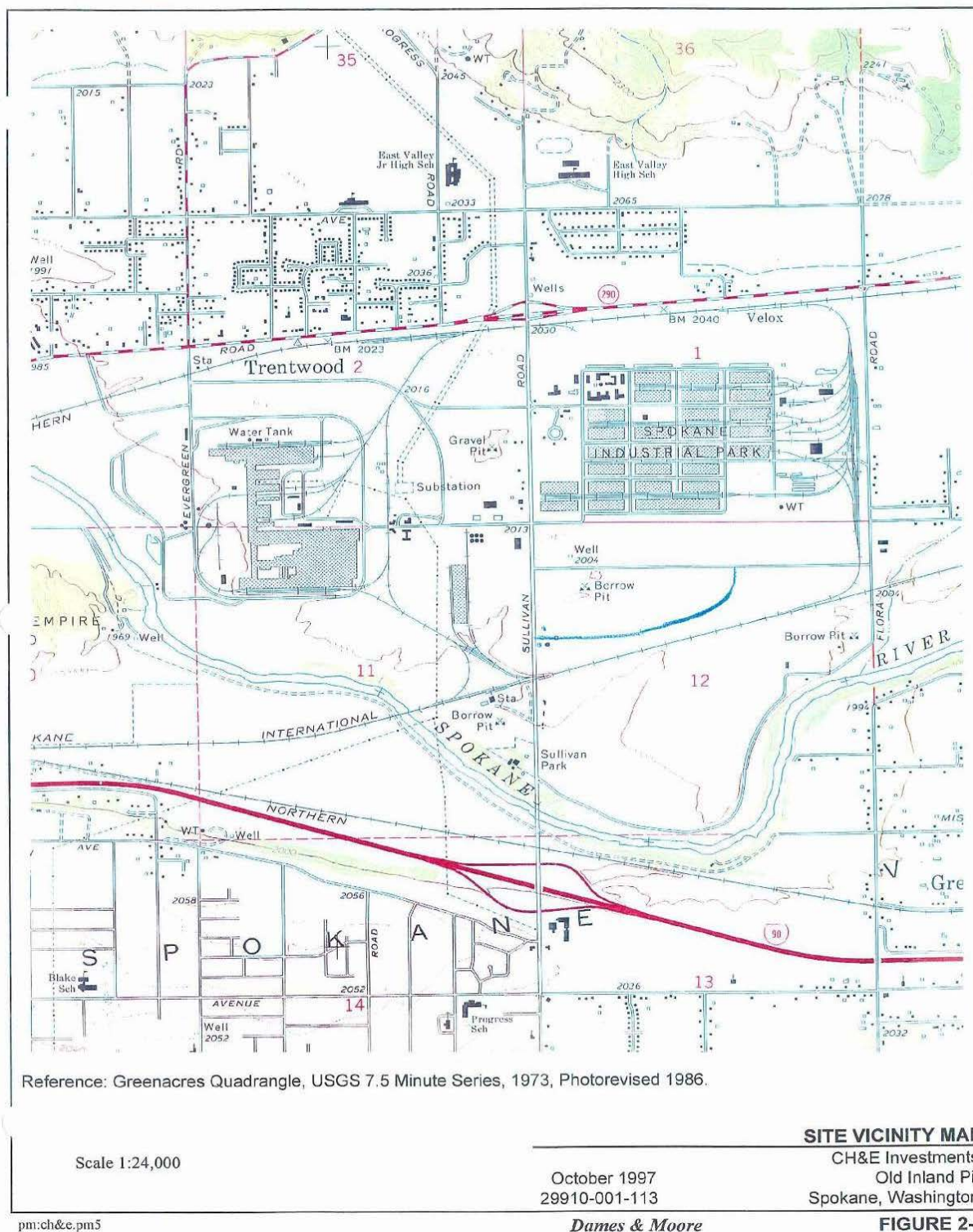
Ecology. *Amended Restrictive Covenant*. 2002.

Ecology. *Amended Restrictive Covenant*. 2006.

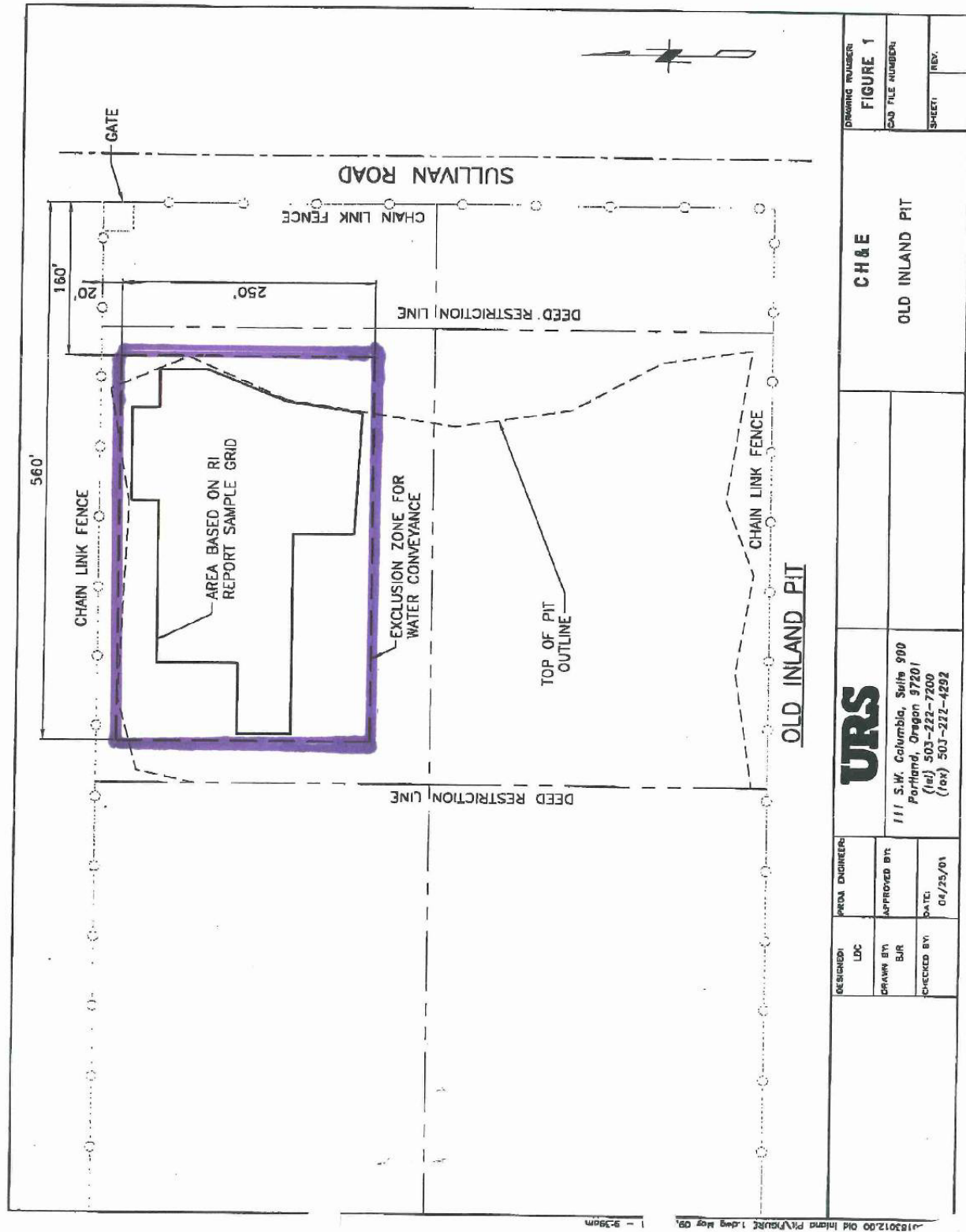
Ecology. Site Visit. July 13, 2017.

## **6.0 APPENDICES**

## 6.1 Vicinity Map



## 6.2 Site Plan



## 6.3 Groundwater Monitoring Data

Table I  
Summary of Analytical Data  
Groundwater Sampling  
1995-2000 Dames & Moore

	Total Metals (ug/L)						Dissolved Metals (ug/L)									
	12/18/95	3/21/96	6/18/96	9/26/96	8/6/99	12/17/99	4/6/00	9/18/00	12/18/95	3/21/96	6/18/96	9/26/96	8/6/99	12/17/99	4/6/00	9/18/00
Arsenic																
MW-1	4.1	6.7	15.7	47.6	10.0	NS	NS	NS	<4.0	<4.0	<4.0	<4.0	NS	<4.0	<4.0	<5.0
MW-2	<4.0	4.1	16.3	75.3	NS	NS	NS	NS	<4.0	<4.0	<4.0	<4.0	NS	NS	NS	NS
MW-3	4.6	4.2	16.3	66.1	NS	NS	NS	NS	<4.0	<4.0	<4.0	<4.0	NS	NS	NS	NS
MW-4	6.4	4.9	10.0	88.7	12.0	NS	NS	NS	<4.0	<4.0	<4.0	<4.0	NS	<4.0	<4.0	<5.0
MW-4DUP	5.6	5.2	9.3	81.3	N/A	N/A	N/A	N/A	<4.0	4.1	<4.0	<4.0	N/A	N/A	N/A	N/A
Barium																
MW-1	NS	NS	NS	NS	<313	NS	NS	NS	NS	NS	NS	NS	NS	23.7	21.9	35.5
MW-2	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
MW-3	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
MW-4	NS	NS	NS	NS	<313	NS	NS	NS	NS	NS	NS	NS	NS	20.1	21.3	28.2
MW-4DUP	NS	NS	NS	NS	N/A	N/A	N/A	N/A	NS	NS	NS	NS	N/A	N/A	N/A	N/A
Cadmium																
MW-1	<5.0	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	<5.0	<5.0	<5.0	<5.0	NS	<8.54	<8.54	<8.54
MW-2	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS
MW-3	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS
MW-4	<5.0	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	<5.0	<5.0	<5.0	<5.0	NS	<8.54	<8.54	<8.54
MW-4DUP	<5.0	<5.0	<5.0	<5.0	N/A	N/A	N/A	N/A	<5.0	<5.0	<5.0	<5.0	N/A	N/A	N/A	N/A
Chromium																
MW-1	100	46	14.8	29.3	<5.0	NS	NS	NS	130	46	<10	<10	NS	7.98	<5.0	<5.0
MW-2	20	<10	15.8	62.9	NS	NS	NS	NS	15	<10	<10	<10	NS	NS	NS	NS
MW-3	<10	<10	<10	31.2	NS	NS	NS	NS	ND	<10	<10	<10	NS	NS	NS	NS
MW-4	24	<10	<10	83.1	<5.0	NS	NS	NS	11	<10	<10	<10	NS	<7.81	<5.0	<5.0
MW-4DUP	24	<10	12.9	97.9	N/A	N/A	N/A	N/A	ND	<10	<10	<10	N/A	N/A	N/A	N/A

NS = Not Sampled  
N/A = Not Applicable

NS = Not Sampled      N/A = Not Applicable

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Table I  
Summary of Analytical Data  
Groundwater Sampling  
1995-2000 Dames & Moore

	Total Metals (ug/L)					8/6/99	12/17/99	4/6/00	9/18/00	Dissolved Metals (ug/L)						9/18/00
	12/18/95	3/21/96	6/18/96	9/26/96	12/18/95					3/21/96	6/18/96	9/26/96	8/6/99	12/17/99	4/6/00	
Lead																
MW-1	19	12	19.8	48.4	3.6	NS	NS	NS	NS	<2.0	<2.0	<2.0	NS	<2.0	<2.0	<2.0
MW-2	10	5.4	22.5	94.5	NS	NS	NS	NS	NS	<2.0	<2.0	<2.0	3.54	NS	NS	NS
MW-3	10	2.2	19.4	85.8	NS	NS	NS	NS	NS	<2.0	<2.0	<2.0	NS	NS	NS	NS
MW-4	60	9.8	13.8	131	5.7	NS	NS	NS	NS	<2.0	<2.0	<2.0	NS	<2.0	<2.0	<2.0
MW-4DUP	59	15	15.8	130	N/A	N/A	N/A	N/A	N/A	<2.0	<2.0	<2.0	N/A	N/A	N/A	N/A
Mercury																
MW-1	<1.0	<1.0	<1.0	<1.0	<0.2	NS	NS	NS	NS	<1.0	<1.0	<1.0	NS	0.13	<0.2	<0.2
MW-2	<1.0	<1.0	<1.0	<1.0	NS	NS	NS	NS	NS	<1.0	<1.0	<1.0	NS	NS	NS	NS
MW-3	<1.0	<1.0	<1.0	<1.0	NS	NS	NS	NS	NS	<1.0	<1.0	<1.0	NS	NS	NS	NS
MW-4	<1.0	<1.0	<1.0	<1.0	<0.2	NS	NS	NS	NS	<1.0	<1.0	<1.0	NS	0.11	<0.2	<0.2
MW-4DUP	<1.0	<1.0	<1.0	<1.0	N/A	N/A	N/A	N/A	N/A	<1.0	<1.0	<1.0	N/A	N/A	N/A	N/A
Selenium																
MW-1	<5.0	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS	<5.0	<5.0	<5.0	NS	3.79	<4.0	<5.0
MW-2	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS	NS	<5.0	<5.0	<5.0	NS	NS	NS	NS
MW-3	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS	NS	<5.0	<5.0	<5.0	NS	NS	NS	NS
MW-4	<5.0	<5.0	<5.0	<5.0	<5.0	NS	NS	NS	NS	<5.0	<5.0	<5.0	NS	4.85	<4.0	<5.0
MW-4DUP	<5.0	<5.0	<5.0	<5.0	N/A	N/A	N/A	N/A	N/A	<5.0	<5.0	<5.0	N/A	N/A	N/A	N/A
Silver																
MW-1	<20	<20	<20	<20	<9.03	NS	NS	NS	NS	<20	<20	<20	NS	<9.03	<9.03	<9.03
MW-2	<20	<20	<20	<20	NS	NS	NS	NS	NS	<20	<20	<20	NS	NS	NS	NS
MW-3	<20	<20	<20	<20	NS	NS	NS	NS	NS	<20	<20	<20	NS	NS	NS	NS
MW-4	<20	<20	<20	<20	<9.03	NS	NS	NS	NS	<20	<20	<20	NS	<9.03	<9.03	<9.03
MW-4DUP	<20	<20	<20	<20	N/A	N/A	N/A	N/A	N/A	<20	<20	<20	N/A	N/A	N/A	N/A

NS = Not Sampled  
N/A = Not Applicable

NS = Not Sampled  
N/A = Not Applicable

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## 6.4 Restrictive Covenant

OLD INLAND PIT  
SIC # JIA89 FS10632  
Sandra Treccani, Site Mgr.



5335631  
Page: 1 of 2  
01/26/2008 02:17P  
Spokane Co, WA

James F. Eitter  
Two Jim's, LLC  
5503 E. Broadway  
Spokane, WA 99212

### AMENDED DECLARATION OF RESTRICTIVE COVENANTS RUNNING WITH THE LAND

Original Recording No. 4319320

This Amended Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 and WAC 173-340-440 by Two Jim's, LLC, Grantors, (hereinafter referred to as "Owner"). This Amended Declaration of Restrictive Covenants Running with the Land is required by the Washington State Department of Ecology, Grantee ("Ecology"), and supersedes all prior restrictive covenants.

As the Owner in fee simple of that certain real property situated in the County of Spokane, and State of Washington, Parcel No. 45024 9010, bounded as described as follows:

THE SOUTH 120 FEET OF THE NORTH 140 FEET OF THE WEST 190 FEET OF THE EAST 400 FEET OF THE EAST HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 25 NORTH, RANGE 44 EAST, W.M.; Auditor's File No. 5331451, recorded January 17, 2006.

SITUATED IN THE CITY OF THE SPOKANE VALLEY, COUNTY OF SPOKANE, STATE OF WASHINGTON.

(Hereinafter referred to as the "Property")

The Owner hereby declares and establishes the following amended restrictive covenants on the Property. These covenants are to run with the land and shall be binding upon the Owner and all persons who may later become the Owner or Owners of the Property or any part thereof and all parties claiming under them in perpetuity.

The amended restrictive covenants hereby declared and established are as follows:

1. The Owner of the Property must give written notice to Ecology, or to a successor agency, of the Owner's intent to convey any interest in the Property at least thirty (30) days prior to such conveyance;



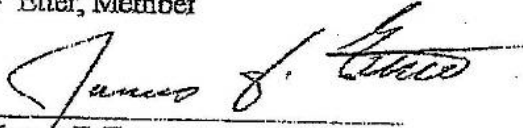
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2. In the event that the Owner, any person or persons who may later own the Property or any interest therein or any person claiming by, through or under them proposes to use the Property in a manner which is inconsistent in any way with these restrictive covenants, such person must give prior written notice to Ecology of its proposal and may use the Property as proposed only after such proposal is approved in writing by Ecology.
3. No drilling for groundwater may occur on any portion of the hereinbefore-described property.
4. No excavation of any kind including drilling or digging deeper than 15 feet below ground surface may occur on any portion of the property described above without prior written approval of Ecology.
5. Ecology and its designated representatives, shall have the right to enter the premises at reasonable times for the purpose of inspecting records and evaluating compliance with these restrictive covenants. Any activity on the property that may be in violation of these restrictive covenants is prohibited.

IN WITNESS WHEREOF, Owner has caused this instrument to be signed and sealed on its behalf by its officers here under duly authorized this 26 day of January, 2006.

Two Jim's, LLC  
James F Etter, Member

By

  
James F. Etter

## 6.5 Photo Log

**Photo 1: East Entrance to Site – from the east**



**Photo 2: Equipment Storage Yard East of the Site – from the southeast**





**Photo 3: West Fence Line - from the northwest**



**Photo 4: West Site Entrance – from the west**

