



Third Periodic Review

Arden's Country Store Site
1458 Old Highway 97
Malott, Washington 98829

Facility/Site ID #: 419
Cleanup Site ID #: 4906

Completed by:
Washington State Department of Ecology
Central Regional Office
Toxics Cleanup Program

August 2018

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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 assure human health and the environment are being protected at the Arden's Country Store site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup actions at this Site were completed under Enforcement Order No. DE 91-C141 and through the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of volatile organic compounds (VOCs) and gasoline-range petroleum hydrocarbons (TPH-G) concentrations in soil that exceed MTCA Method A cleanup levels established under WAC 173-340-740(2). As a result of residual contamination, institutional controls were required for the Site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology conduct a periodic review of a site every five years under the following conditions:

1. Whenever Ecology conducts a cleanup action.
2. Whenever Ecology approves a cleanup action under an order, agreed order or consent decree.
3. Or, as resources permit, whenever Ecology issues a no further action opinion
4. 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 Ecology'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 Ecology 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 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.

Ecology 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

Arden's Country Store is located in Malott, Okanogan County, Washington. The Site is located on the northeast corner of the intersection of Old Highway 97 and B and O Road. The Site is about 3/4 of an acre and generally is flat. The Site is occupied by a former mini-mart and retail gas station. The former store building is located on the southern end of the property along B and O Road.

Underground storage tanks (USTs) used to store petroleum products for retail sales were present at the Site since at least 1968. The first USTs installed at the Site, two 550-gallon gasoline USTs, were located adjacent to the southwest corner of the store building. These two tanks were removed from the Site in 1988. Three additional USTs were installed at the Site between 1984 and 1985: a 4,000-gallon unleaded gasoline tank and two 2,000-gallon unleaded gasoline tanks. The former USTs were located northeast of the store building and the former fuel dispensers were located northwest of the building. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

2.2 Cleanup Levels and Point of Compliance

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 contaminants at 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.

The extent of the Site includes the area containing soil and/or groundwater that have been impacted by the release of petroleum hydrocarbons from the Arden's Country Store property. The point of compliance for soil is defined as the area affected by petroleum hydrocarbons released from the Site into soil at concentrations above MTCA Method A cleanup levels, regardless of depth, to protect groundwater.

The groundwater point of compliance is throughout the Site from the uppermost level of the saturated zone to the lowest depth that could possibly be affected by the Site.

2.3 Site Investigations and Remedial Activities

2.3.1 Emergency Actions

Following the emergency notification of explosive vapors in the basement of the store in 1988, immediate actions at the Site included the removal of two abandoned USTs along with

associated contaminated soils. An abandoned domestic well in the floor of the store was also sealed to prevent additional vapor migration into the structure.

In 1989, a shallow dug well in the basement of the store was sampled by Hart-Crowser. Groundwater contamination was confirmed by the presence of benzene at 4,000 micrograms per liter (ug/L), toluene at 170 ug/L, and xylenes at 321 ug/L. Additional samples from the basement well were collected in 1990. They indicated increasing concentrations of benzene, toluene, ethylbenzene, and xylenes (BTEX) at 8,600 ug/L, 2,500 ug/L, 200 ug/L and 2,300 ug/L, respectively. The City of Malott does not have a public water supply, and several private domestic water wells were identified in the vicinity of the store. Samples collected from these domestic water wells detected BTEX above laboratory detection limits, but below MTCA Method A cleanup levels.

2.3.2 Remedial Investigation/Feasibility Study

Following the discovery of the extent of contamination at the Site, the property owner failed to take action. In May 1991, Ecology issued an Enforcement Order requiring a remedial investigation/feasibility study (RI/FS). The Order was not complied with, so Ecology contracted for the work to be done using funds from the State Toxics Control Account. Field work conducted for the RI/FS covered the majority of downtown Malott, and included domestic well sampling, a soil gas survey, installation of five monitoring wells, and sampling of soil and groundwater.

Based on data collected in the RI/FS, it was determined that the active tanks at Arden's Country Store were the primary source of contamination in the area. Contaminants included BTEX, gasoline-range petroleum hydrocarbons (TPH-G) and diesel-range petroleum hydrocarbons (TPH-D).

2.3.3 1993 Remedial Actions

Following the RI/FS, EVOCA Corporation was contracted to perform remedial activities at the Site. These activities included UST removals, soil and groundwater sampling, and soil and groundwater treatment at the Site. The tanks consisted of a 4,000-gallon leaded gasoline tank, two 2,000-gallon unleaded gasoline tanks, associated piping, and a dispenser island. Following removal of the tanks, soil samples were collected from the limits of the excavation and analyzed for TPH-G, TPH-D, BTEX, and total lead. Sample results did not detect contamination above MTCA Method A cleanup levels.

Soil under the dispenser island had strong visual and odor indications of TPH-G contamination. Excavation of contaminated soils from below the dispenser island continued until field screening no longer detected contamination. Approximately 1,100 cubic yards of soil were excavated from this location and stockpiled at the Site for treatment. CET Environmental Services treated this soil by thermal desorption. Samples collected from the south and east sidewalls of the final excavation still contained petroleum hydrocarbon contamination at concentrations exceeding MTCA Method A cleanup levels. Excavation could not continue in those directions without risking structural damage to the store building. Following treatment, the treated material was used for backfilling the excavation.

One groundwater monitoring well and one groundwater pumping well were installed at the Site at this time. Both wells were advanced to depths of 40 feet below ground surface (bgs). Soil samples were collected at 5-foot intervals during drilling. Benzene was detected at 0.058 ppm, just above the cleanup level of 0.5 ppm, in the recovery well boring at 15 feet bgs.

Groundwater samples were collected from the new monitoring well, MW-2, as well as two wells installed during the RI/FS, MW-1 and MW-A5. MW-A5, which is the only monitoring well in the immediate vicinity of the tank excavation, exceeded MTCA Method A cleanup levels for TPH-G, benzene, toluene and xylenes. MW-2, located southeast of the tank excavation, exceeded MTCA Method A cleanup levels for lead and benzene.

A groundwater treatment system was installed at the Site in June 1993. The system consisted of a groundwater pumping well, two granular activated carbon units, and an infiltration gallery located upgradient of the pumping well for reinjection of treated groundwater. The system operated for an unknown period of time.

2.3.4 2011 Phase II ESA

In 2011, Ecology contracted GeoEngineers to conduct a Phase II Environmental Site Assessment (ESA) at the Site. The ESA included the advancement of ten soil borings in the vicinity of suspected residual soil contamination. TPH-G was detected at concentrations greater than MTCA cleanup levels in samples collected from four borings at depths between 9 and 18 feet bgs. TPH-G concentrations in these four borings ranged between 42.6 milligrams per kilogram (mg/kg) and 8,160 mg/kg.

Diesel-range petroleum hydrocarbons (TPH-D) were detected in one boring at a depth of 15 feet bgs at a concentration of 2,570 mg/kg, which exceeded the MTCA cleanup level of 2,000 mg/kg.

2.4 Groundwater Monitoring

Groundwater monitoring was conducted by Ecology on an annual basis from 1993 until 1997, and again in 1999. Contaminant concentrations have trended generally downward. Results from the final sampling event in 1999 indicated that only RW-2 contains benzene and concentrations exceeding MTCA Method A cleanup levels.

On July 22, 2008, Ecology conducted an additional sampling event at the Site as part of the periodic review process. Samples were collected from MW-1, RW-1, MW-A5 and RW-2.

Analytical results from the July 2008 sampling event did not detect contamination in any of the wells at the Site. Monitoring data is available as Appendix 6.3.

2.5 Institutional Controls

Following the Phase II ESA, it was determined that the Site would be eligible for a no further action determination if institutional controls were implemented in the form of an environmental covenant. An environmental covenant was recorded for the Site in 2011 and Ecology issued a no

further action determination shortly thereafter. The environmental covenant contained the following limitations:

1. A portion of the Property contains Total Petroleum Hydrocarbons contaminated soil located near and underlying the structure at an estimated depth from 13' to 15' as show in exhibit 1. The Owner shall not alter, modify, or remove the existing structure[s] or parking area in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
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 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 Covenant 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 this Covenant. 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, to determine compliance with this Covenant, 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 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

3.1.1 Direct Soil Contact

Based upon the Site visit conducted on April 27, 2018, the retail portion of the building remains vacant, and the residential portion of the building continues to be occupied. The former store/residence structure appears as it has during previous periodic reviews. The Site was sold in 2014 to a new owner, and the Site is currently for sale. The portion of the Site containing residual contaminated soils remains covered by an asphalt parking area and building foundation. The asphalt surface area in the vicinity of the residual contaminated soils appears cracked but undisturbed. This surface continues to eliminate direct contact exposure pathways (ingestion, contact) to contaminated soils. A photo log is available as Appendix 6.5.

3.1.2 Groundwater and Residual Saturation

Groundwater contamination was detected during initial discovery of the Site. Groundwater monitoring was conducted from 1993 through 1997, during which contaminant concentrations steadily declined. Single monitoring events were conducted again in 1999 and 2008. Contamination was detected in one well at concentrations exceeding MTCA Method A cleanup levels during the 1999 event, and was not detected in any well during the 2008 event. No additional groundwater monitoring was required at the Site by Ecology.

During the 2011 Phase II ESA, gasoline- or diesel-range soil contamination was detected in three soil borings near the soil-groundwater interface at a depth of 14-18 feet bgs. Concentrations in both borings exceeded residual saturation screening levels, indicating that soil contamination may pose a threat of re-contaminating groundwater; however, empirical data has demonstrated that contaminated soils are not impacting groundwater at the Site. Samples collected in 2008, 20 years after the release in 1988, indicate that groundwater is not being impacted by contaminated soils remaining at the Site. Per MTCA 173-340-747 (10) (B), sufficient time has elapsed for migration of hazardous substances from soil into ground water to occur and the characteristics of the Site are representative of future Site conditions. Based on this empirical demonstration, contaminated soil at the Site does not pose a threat to groundwater quality.

3.1.3 Institutional Controls

Following the Phase II ESA in 2011, it was determined that the Site would be eligible for a no further action determination if institutional controls were implemented in the form of an environmental covenant. An environmental covenant was recorded for the Site in 2011 and remains active. This environmental covenant 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. This environmental covenant serves to ensure the long-term integrity of the cap. There is no evidence that another instrument has been recorded that would limit the applicability or effectiveness of the environmental covenant.

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

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

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

There are no new relevant laws that have been implemented since the NFA determination was issued in 2011 that impact decisions made at this Site.

3.4 Current and projected Site use

The Site is currently used for commercial and industrial purposes. 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 A cleanup levels. The presence of improved analytical techniques would not affect 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.
- Soil cleanup levels have not been met at the Site; however, the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The 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.
- If the building or slab are removed or replaced, contaminated soils beneath the Site must be remediated.

Based on this periodic review, Ecology has determined the restrictions in the environmental covenant are being observed. No additional remedial actions are required by the property owner unless the building or asphalt parking lot are disturbed. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the Site surface 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

GN Northern, Inc. *Underground Storage Tank Site Assessment Report*. 1997.

Kent, Richard. *Geologic Logs*. 1997.

Northwest Envirocon, Inc. *Bioremediation of Petroleum Contaminated Soil*. 1998.

Ecology. *Periodic Review*. July 29, 2008.

GeoEngineers. *Phase II Environmental Site Assessment*. June 30, 2011.

Colville Tribal Credit Corporation. *Environmental Covenant*. December 5, 2011.

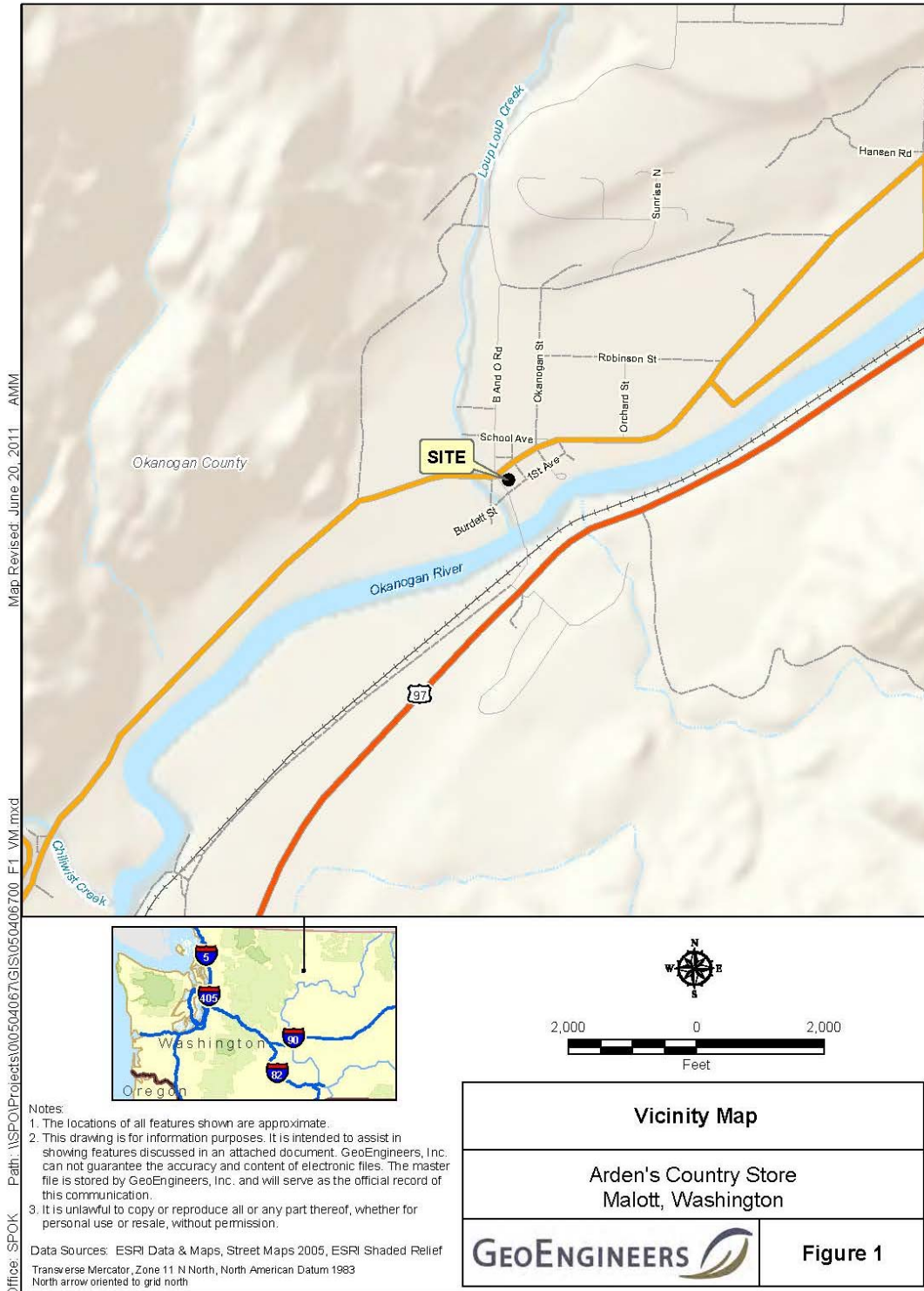
Ecology. *No Further Action Determination Letter*. May 25, 2012.

Ecology. *Periodic Review*. February 2014.

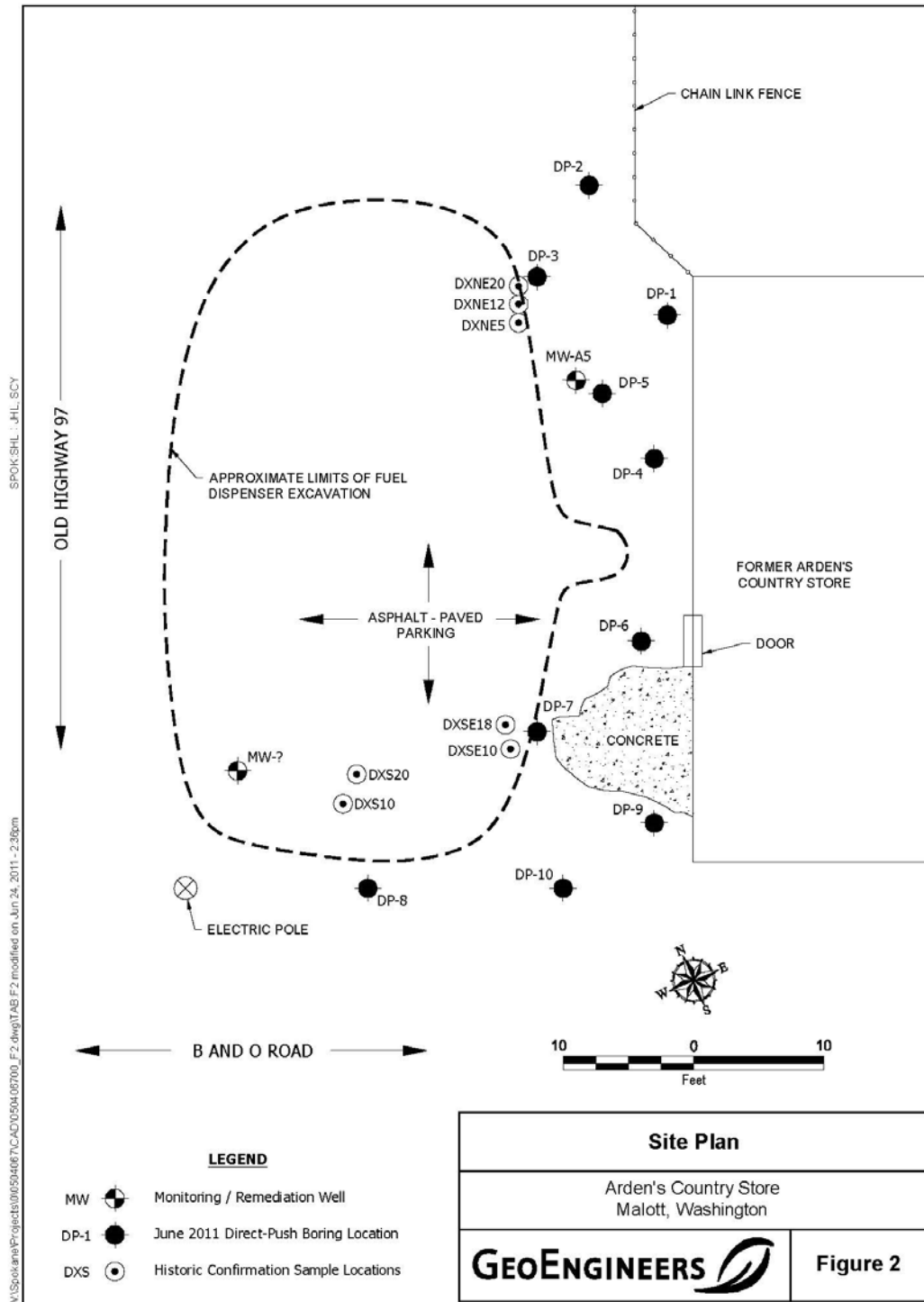
Ecology. *Site Visit*. April 27, 2018.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 Groundwater Monitoring Data

Date	benzene	toluene	ethylbenzene	xylenes	TPH-G
RW1					
12/15/1993	0.2	0.2	0.2	0.6	NA
4/13/1994	NS	NS	NS	NS	NS
3/21/1995	1	1	1	1	0.25
3/25/1996	1	1	1	3	0.12
12/15/1997	1	1	1	3	0.12
10/13/1999	1	1	1	3	0.03
7/22/2008	.5	2	1	1.5	.1
RW2					
12/15/1993	4.1	0.2	0.2	0.6	NA
duplicate	28.4	0.3	0.2	0.6	NA
4/13/1994	NS	NS	NS	NS	NS
3/21/1995	130	11	16	85	680
3/25/1996	370	10	150	210	2700
12/15/1997	35	7.4	33	95	560
10/13/1999	26	1	30	84	290
7/22/2008	.5	2	1	1.5	.1
MW1					
12/15/1993	0.2	0.2	0.2	0.6	NA
4/13/1994	0.2	0.2	0.2	0.6	0.024
3/21/1995	1	1	1	1	0.25
3/25/1996	1	1	1	3	0.12
12/15/1997	1	1	1	3	0.12
10/13/1999	1	1	1	3	0.03
7/22/2008	.5	2	1	1.5	.1
MW2					
12/15/1993	NS	NS	NS	NS	NS
4/13/1994	1.2	0.2	0.2	0.5	0.024
3/21/1995	1	1	1	1	0.25
3/25/1996	1	1	1	3	0.12
12/15/1997	1	1	1	3	0.12
10/13/1999	1	1	1	3	0.03
7/22/2008	NS	NS	NS	NS	NS
DW2					
12/15/1993	0.2	0.2	0.2	0.6	NA
4/13/1994	NS	NS	NS	NS	NS
3/21/1995	NS	NS	NS	NS	NS

3/25/1996	NS	NS	NS	NS	NS
12/15/1997	NS	NS	NS	NS	NS
10/13/1999	NS	NS	NS	NS	NS
MWA2					
12/15/1993	NS	NS	NS	NS	NS
4/13/1994	0.2	0.2	0.2	0.6	0.024
3/21/1995	NS	NS	NS	NS	NS
3/25/1996	NS	NS	NS	NS	NS
12/15/1997	NS	NS	NS	NS	NS
10/13/1999	NS	NS	NS	NS	NS
MWA5					
12/15/1993	NS	NS	NS	NS	NS
4/13/1994	NS	NS	NS	NS	NS
3/21/1995	3100	2300	560	3260	30000
3/25/1996	40	4.4	7	8.5	3600
12/15/1997	32	24	53	39	1100
10/13/1999	3.6	10	3.6	4	850
7/22/2008	.5	2	1	1.5	.1
MW1B					
12/15/1993	NS	NS	NS	NS	NS
4/13/1994	NS	NS	NS	NS	NS
3/21/1995	NS	NS	NS	NS	NS
3/25/1996	1	1	1	3	0.12
12/15/1997	1	1	1	3	0.12
10/13/1999	1	1	1	3	0.03

1991 Cleanup levels	5	40	30	20	1000
2008 Cleanup levels	5	1000	700	1000	800/1000*

Red = Exceeds 1991 MTCA Method A cleanup levels

Green = Below laboratory detection limits

*= value if benzene detected / value with no benzene detected

6.4 Environmental Covenant

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Recording Fee \$68.00 Page 1 of 7
Covenants BAINES TITLE CO
Okanogan County Washington

3168757



RETURN ADDRESS:
COLVILLE TRIBAL CREDIT CORPORATION
ATTN: MEGHAN FINLEY
P.O. BOX 618
NESPELEM, WA 99155

Baines Title & Escrow has recorded
this document as a courtesy and
accepts no liability for accuracy
and/or validity.

CK MISC

DOCUMENT TITLE: ENVIRONMENTAL COVENANT

GRANTOR:

1. COLVILLE TRIBAL CREDIT

GRANTEE:

2. STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

LEGAL DESCRIPTION:

Lots 19 and 20, Block 7 of the Plat of the Town of Malott, as per
plat thereof recorded in Book "D" of Plats, page 24, records of the
Auditor [sic] of the Okangoan [sic] County, Washington.

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER:

1. 0820071900

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Covenants BRINES TITLE CO
Okanogan County Washington

.68757



Environmental Covenant



After Recording Return to:

Department of Ecology
Attn: Norm Hepner
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

Environmental Covenant

Grantor: Colville Tribal Credit

Grantee: State of Washington, Department of Ecology

Legal: Lots 19 and 20, Block 7 of the Plat of the Town of Malott, as per plat thereof recorded in Book "D" of Plats, page 24, records of the Auditor [sic] of Okangoan [sic] County, Washington.

Tax Parcel Nos.: 0820071900

Grantor, Colville Tribal Credit, a lending institution wholly-owned by the Confederated Tribes of the Colville Indian Reservation, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this day of 11-10, 2011 in favor of the State of Washington Department of Ecology (Ecology).

To the extent that any dispute or enforcement action shall arise between Ecology and Colville Tribal Credit prior to Colville Tribal Credit's transfer of the property to a party or entity that does not have tribal sovereign immunity, Colville Tribal Credit and Ecology shall use mediation and any other form of dispute resolution other than arbitration or litigation to resolve the dispute or enforcement action. Following Colville Tribal Credit's transfer of any right of ownership, possession, or use of the above-referenced parcel to a party or entity that does not have tribal sovereign immunity, Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW

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70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12 against such said owner, possessor, or user of the above-referenced land.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Colville Tribal Credit, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology"). Nothing contained in this Declaration of Covenant shall be interpreted as a waiver of the sovereign immunity of the Colville Tribe and of the sovereign immunity of Colville Tribal Credit.

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

Ecology and Environment, Inc., "Final Remedial Investigation Report; Arden's Country Store; Malott, Washington," February 1992.

ECOVA Corporation, "UST Decommissioning, Site Characterization and Cleanup Action Report for WDOE Arden's Country Store Site Cleanup Action," June 1993.

Washington State Department of Ecology, Central Region Office, Toxics Cleanup Program, "Periodic Review; Arden's Country Store," July 29, 2008.

GeoEngineers, "Phase II Environmental Site Assessment: Arden's Country Store, Malott, Washington for Washington State Department of Ecology," June 30, 2011.

These documents are on file at Ecology's Central Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of total petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Level(s) for SOIL established under WAC 173-340-900.

The undersigned, Colville Tribal Credit, is the fee owner of real property (hereafter "Property") in the County of Okanogan, State of Washington, that is subject to this Covenant. The Property is legally described as Lots 19 and 20, Block 7 of the Plat of the Town of Malott, as per plat thereof recorded in Book "D" of Plats, page 24, records of the Auditor [sic] of Okanogan [sic] County, Washington.

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Colville Tribal Credit 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. A portion of the Property contains Total Petroleum Hydrocarbons contaminated soil located near and underlying the structure at an estimated depth from 13' to 15' as shown in exhibit 1. The Owner shall not alter, modify, or remove the existing structure[s] or parking area in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology."

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) 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 Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this 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

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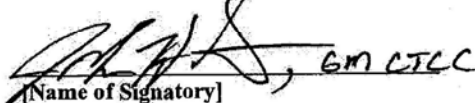
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samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

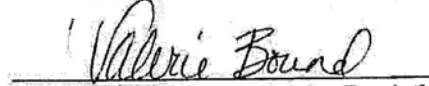
Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity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

Colville Tribal Credit


[Name of Signatory]
[Title]

Dated: 11-10-11

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY


[Name of Person Acknowledging Receipt]
[Title] Section Mgr

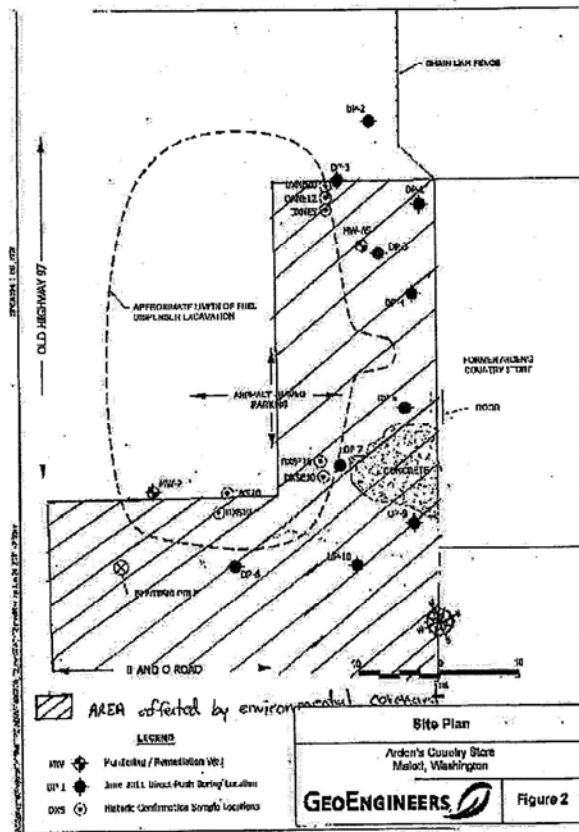
Dated: 11-21-11

12/05/2011 03:29:10 PM
Recording Fee \$68.00 Page 6 of 7
Covenants BRAINES TITLE CO
Okanogan County Washington

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Exhibit 1



12/05/2011 03:29:10 PM
Recording Fee \$68.00 Page 7 of 7
Covenants BAINES TITLE CO
Okanogan County Washington

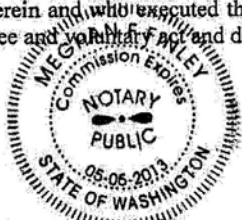
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[INDIVIDUAL ACKNOWLEDGMENT]

STATE OF WA
COUNTY OF Okanogan

On this 10th day of November, 2011, I certify that John Smith personally appeared before me, and acknowledged that he/she is the individual described herein and who executed the within and foregoing instrument and signed the same at his/her free and voluntary act and deed for the uses and purposes therein mentioned.



Megan Watkins
Notary Public in and for the State of
Washington, residing at Caledon
My appointment expires 5-8-13

[CORPORATE ACKNOWLEDGMENT]

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20____, I certify that _____ personally appeared before me, acknowledged that he/she is the _____ of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said corporation.

Notary Public in and for the State of
Washington, residing at _____

My appointment
expires _____.

[REPRESENTATIVE ACKNOWLEDGEMENT]

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20____, I certify that _____ personally appeared before me, acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute this instrument, and acknowledged it as the _____ [type of authority] of _____ [name of party being represented] to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

Notary Public in and for the State of
Washington, residing at _____
My appointment expires _____.

6.5 Photo Log

Photo 1: Former Arden's Country Store - from the west



Photo 2: Former Arden's Country Store - from the southwest



Photo 3: Former Arden's Country Store Site - from the north



Photo 4: 2011 Phase II ESA Boring Locations West of Store- from the north

