



file

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 14, 1997

Mr. Ron Kitts  
Operations Manager  
Golden State Foods Corporation  
1409 Puyallup Street  
Sumner, WA 98390

Dear Mr. Kitts:

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

Ecology's Toxics Cleanup Program (TCP) has reviewed the following information relating to the two diesel and two oil underground storage tanks (UST) at the Golden State Foods Corporation (GSFC) food storage and warehouse center located at 1409 Puyallup Street, Sumner, Washington, 98390:

1. Independent Remedial Action Report Cleanup of Petroleum Hydrocarbons, Golden State Foods Facility, Sumner, Washington; Lance Environmental Services; March 4, 1997.
2. Response Letter to informational requests from Ecology; Lance Environmental Services; July 31, 1997.

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

Based on the above listed information, Ecology has determined that, at this time, the release of diesel, lube oil and waste oil into the soil and groundwater no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further action is necessary at this site under the Model Toxics Control Act (MTCA), Ch. 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is not a settlement by the state under RCW 70.105D.040(4).

In addition, the Restrictive Covenant filed on the GSFC Sumner Distribution Center, dated July 28, 1997, is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is enclosed with this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive covenant is violated.



Mr. Ron Kitts  
August 14, 1997  
Page 2

This determination is made only with respect to the contamination identified in the independent remedial action report dated March 4, 1997. This no further action determination applies only to the area of the property affected by the contamination identified in the above report at 1409 Puyallup Street, Sumner, Washington, 98390. It does not apply to any other release or potential release at the property, or any other properties owned or operated by GSFC.

Ecology will update the appropriate site databases to reflect this "No Further Action" determination. Your site will not appear in future publications of Ecology databases.

Ecology does not assume any liability for any release, threatened release or other conditions at the site, or for any actions taken or omitted by any person or his/her agents or employees with regard to the release, threatened release, or other conditions at the site. Ecology reserves the right to require further action at the site if new or different information other than that presented in the above reports becomes known or available.

In addition, I acknowledge receipt of \$1,547 representing the review fee of \$2,547 (calculated at 2% of the total cleanup cost of \$127,350.) less the \$1,000 deposit previously submitted to Ecology.

If you have any questions about the information presented in this letter, please contact me at (360) 407-6242.

Sincerely,



Linda M. Pang, P.E.  
Toxics Cleanup Program  
Southwest Regional Office

LMP:jr

cc: Chuck Cline, Ecology  
Donald Lance, Lance Environmental Services  
Mark LaVergne, Tacoma Pierce County Health Department

# ATTACHMENT A

9707290296

## Return Address

GOLDEN STATE FOODS  
1409 Puyallup Street  
Sumner, Washington 98390

Please print legibly or type information.

### Document Title(s) (Of transactions contained therein):

1. Restrictive Covenant
- 2.
- 3.
- 4.

### Grantor(s) (Last name first, then first name and initials):

1. Golden State Foods Corp.
- 2.
- 3.
- 4.
5. ☐ Additional Names on Page \_\_\_\_\_ of Document

### Grantee(s) (Last name first, then first name and initials):

1. Washington State Department of Ecology
- 2.
- 3.
- 4.
5. ☐ Additional Names on Page \_\_\_\_\_ of Document.

### Legal Description (Abbreviated: i.e., lot, block, plat; or section, township, range):

Lot 4 S.P. 8212 300493

Legal Description is on Page 21 of Document.

### Reference Number(s) (Of documents assigned or released):

☐ Additional Reference Numbers on Page \_\_\_\_\_ of Document

### Assessor's Property Tax Parcel/Account Number

R04-20-13-8-005

The Auditor/Recorder will rely on the information provided on this cover sheet. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

## **RESTRICTIVE COVENANT**

### **GOLDEN STATE FOODS CORP.**

### **GOLDEN STATE FOODS SUMNER DISTRIBUTION CENTER**

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by **GOLDEN STATE FOODS CORP.**, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following reports:

- a. Lance Environmental Services, 1997  
*Independent Remedial Action Report, Cleanup of Petroleum Hydrocarbons*  
Golden State Foods Facility, Sumner, Washington  
March 4, 1997
- b. Lance Environmental Services, 1996b  
*Groundwater Monitoring Report - Third Quarter 1996*  
Golden State Foods Facility, Sumner, Washington  
November 2, 1996
- c. Lance Environmental Services, 1996a  
*Groundwater Monitoring Report - Second Quarter 1996*  
Golden State Foods Facility, Sumner, Washington  
June 14, 1996
- d. Lance Environmental Services, 1995  
*Groundwater Monitoring Report - Fourth Quarter 1995*

## RESTRICTIVE COVENANT

Page 2

Golden State Foods Facility, Sumner, Washington  
December 26, 1995

- e. Thomas Hill & Associates, 1995  
*Groundwater Sampling at 1409 Puyallup Avenue, Sumner, Washington,*  
February 8, 1995
- f. Thomas Hill & Associates, 1994  
*Groundwater Sampling at 1409 Puyallup Avenue, Sumner, Washington,*  
March 17, 1994
- g. Thomas Hill & Associates, 1993b  
*UST Closure - Site Assessment Phase 2 Groundwater Monitoring, Over-Excavation*  
Golden State Foods, Sumner, Washington  
March 8, 1993
- h. Thomas Hill & Associates, 1993a  
*UST Closure - Site Assessment*  
Golden State Foods, Sumner, Washington  
March 8, 1993
- i. Thomas Hill & Associates, 1992  
*Groundwater Sampling at 1409 Puyallup Avenue, Sumner, Washington,*  
December 24, 1992
- j. Harding Lawson and Associates, 1990  
*Closure Report for Soil Removal Activities*  
Golden State Foods Corporation, Sumner, Washington  
April 27, 1990
- k. Shannon & Wilson, 1990  
*Soil Quality Analysis*  
Golden State Foods Corporation, Sumner, Washington  
March 21, 1990

## RESTRICTIVE COVENANT

Page 3

1. B & C Equipment, 1989  
*Soil and Groundwater Investigation*  
Letter report to Mr. Rick Thomas (Golden State Foods)  
October 16, 1989
- m. Pacific Inspection and Research Laboratory, 1989  
*Fuel Line Leak/Corrosion*  
Golden State Foods Corp.  
October 13, 1989

These documents are on file at Ecology's SWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of diesel-range petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340.

The undersigned, **GOLDEN STATE FOODS CORP.**, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: Lot 4, as shown on SHORT PLAT NO. 8212300493, filed with the Pierce County Auditor, in Pierce County, Washington, which Short Plat amends Short Plat No. 8104290271.

**GOLDEN STATE FOODS CORP.** 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 diesel-range petroleum hydrocarbons in soil at two locations beneath the maintenance shop: (1) beneath the footings of the foundation at the southwest corner of the building, and (2) beneath the concrete floor near the southwest corner of the building. The Owner shall not alter, modify, or remove the existing structures 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.

## **RESTRICTIVE COVENANT**

Page 4

**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 Restrictive Covenant and notify all lessees of the restriction on the use of the Property.

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

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

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

**RESTRICTIVE COVENANT**

Page 5

**GOLDEN STATE FOODS CORP.**

Walter E. Kersten  
By: Walter E. Kersten  
Senior Vice President of Distribution

7/28/97  
Date

**[NOTARIAL ACKNOWLEDGMENT ATTACHED]**



**RESTRICTIVE COVENANT**

Page 6

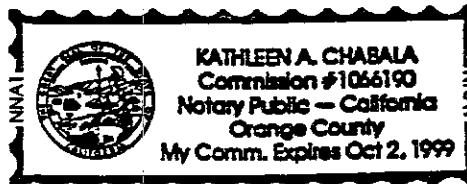
**STATE OF CALIFORNIA** }

**COUNTY OF ORANGE** }

On July 28, 1997, before me, Kathleen A. Chabala,  
Notary Public, personally appeared Walter E. Kersten, 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, or the entity upon behalf of which the  
person acted, executed the instrument.

**WITNESS** my hand and official seal.

Signature Kathleen A. Chabala



[SEAL]