



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 26, 2012

Mr. Bob Stowe
Manager
City of Bothell
18305 101st Avenue NE
Bothell, WA 98011

Dear Mr. Stowe:

Thank you for the City's support for the remediation of the BP Oil Station #11352 located at 18725 Bothell Way NE, Bothell, WA. Ecology appreciates the partnership that has been developed.

Enclosed is a copy of the recorded Environmental Covenant and Property Specific No Further Action Letter for the Bothell Pool Property. The determination of No Further Action is dependent upon the City's compliance with the conditions of the Environmental Covenant, and requires the appropriate notifications if there is a change in property use or other action that would impact the protectiveness of the institutional controls defined for the property. In accordance with state law, Ecology will be conducting a periodic review every five years to verify that the institutional control for this property is still protective.

Sincerely,

Russell E. Olsen, MPA
Voluntary Cleanup Unit Supervisor
Toxics Cleanup Program

Enclosures: Model Restrictive (Environmental) Covenant, Tax parcel Number 062605-9370-02, Recorded 06-26-12
Department Property Specific No Further Action Letter, dated June 26, 2102





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June 26, 2012

Mr. Bob Stowe
Manager
City of Bothell
18305 101st Avenue NE
Bothell, WA 98011-3499

Re: Determination of No Further Action at Lot 2, City of Bothell Boundary Line Adjustment Number BLA 2010-00006, Recorded Under Recording No. 20101230900001, in King County, WA (the "Pool Property").

- Name: BP Oil Station #11352
- Address: 18725 Bothell Way NE, Bothell
- Facility/Site No: 2302

Dear Mr. Stowe:

The Department of Ecology (Ecology) conducted a remedial action regarding a release of hazardous substances from the BP Oil Station # 11352 Site. That release of hazardous substances impacted the City of Bothell's adjacent property described as Lot 2, City of Bothell Boundary Line Adjustment Number BLA 2010-00006, recorded under Recording No. 20101230900001, in King County, WA (the "Pool Property"). Ecology's work included soil removal, groundwater treatment, and groundwater monitoring at both the BP Station and the adjacent Pool Property.

Due to the presence of residual petroleum under and/or immediately adjacent to the Pool building, pump island, and store, Ecology has completed a Supplemental Feasibility Study and a Disproportionate Cost Analysis, and determined that additional remedial activities would be disproportionate to the levels of remaining contamination at the Site. Mr. Bell, the owner of BP Oil Station #11352, and the City of Bothell, owner of the adjacent Pool Property, have agreed to sign and record an Environmental Covenant.

This letter confirms that no further investigation or remedial action is necessary at the City of Bothell's Pool Property, subject to the Environmental Covenant that requires the implementation of institutional controls and a monitoring plan for the portions of the site where contamination remains. These areas of residual petroleum contamination on the Pool Property are identified in



Mr. Bob Stowe


June 26, 2012

Page 2

the Environmental Covenant and will be subject to the requirements of the Environmental Covenant and monitoring plan. The institutional controls will require the owner of the Pool Property provide notice to Ecology of any activities that may expose, penetrate or potentially cause a release of the residual contamination on or under the Pool Property, and will require periodic monitoring of the groundwater to ensure that the remedial action performed by Ecology continues to be protective of human health and the environment.

This letter is for the benefit of the City of Bothell, its successors and assigns, and all future owners and tenants of the Pool Property, their successors and assigns, as well as all holders of any deed of trust, mortgage or other lien instrument now or hereafter encumbering the Pool Property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russell E. Olsen", with a long horizontal flourish extending to the right.

Russell E. Olsen, MPA
Voluntary Cleanup Unit Supervisor
Toxics Cleanup Program

Return Address:

Robert W. Warren
Dept. of Ecology
NW Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452



20120626000815

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PAGE-001 OF 009
06/26/2012 11:57
KING COUNTY, WA

71.00

This document is being re-recorded to replace Exhibit C with the Exhibit C attached hereto.

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Model Restrictive (Environmental)
Covenant
3. _____ 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) Exactly as name(s) appear on document

1. City of Bothell
2. _____

Additional names on page _____ of document.

Grantee(s) Exactly as name(s) appear on document

1. State of Washington, Department of Ecology
2. _____

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Lot 2, Bothell BLA 2010-00006, AFN 20101230900001

Additional legal is on page _____ of document.

Assessor's Property Tax Parcel/Account Number

062605-9370-02

☐ Assessor Tax # not yet assigned

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

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Catherine Jarrow

Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

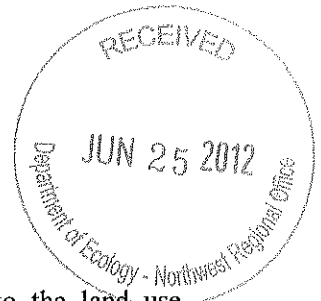
After Recording Return to:
Robert W. Warren
Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

20120625000714

BOTHELL CITY O COV 69.00
PAGE-001 OF 008
06/25/2012 11:40
KING COUNTY, WA

MODEL RESTRICTIVE (ENVIRONMENTAL) COVENANT

GRANTOR: City of Bothell
GRANTEE: State of Washington, Department of Ecology
Legal: Lot 2, Bothell BLA 2010-00006, AFN 20101230900001
Tax Parcel No.: 062605-9370-02



Grantor, City of Bothell, 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 18 day of JUNE, 2012, in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

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

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]:

Burlington, 1993. Burlington Environmental, Inc. Soil-Gas Survey, British Petroleum Service Station, Bothell, WA. June 1993.

Chempro, 1990. Chemical Processors, Inc. Letter to Joe Hickey, Ecology, regarding installation of a water table depression pump and treatment system for the pool sump. August 31.

EA 2005. *Investigation Report for Washington State Department of Ecology Mixed Funding LUST Sites*. EA Engineering, Science, and Technology, Inc. June 2005.

Ecology 1992. Consent Decree between State of Washington Department of Ecology and G. Richard Bell. March 20, 1992.

Ecology 1993. Soil Boring Investigation.

Ecology 2001. *Model Toxics Control Act Cleanup Regulation, Chapter 173-340 WAC. Amended February 12, 2001*. Washington State Department of Ecology Toxics Cleanup Program. Publication No. 94-06.

Ecology 2010a. Remedial Investigation/Feasibility Study Draft 2. BP OIL STATION #11352. Bothell, WA.

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Ecology 2010b. Cleanup Action Plan, BP OIL STATION #11352. Bothell, WA.

EPA 1996. A Citizen's Guide to Bioremediation. EPA 542-F-96-007. EPA Office of Solid Waste and Emergency Response. April 1996.

EPA 2000. *A Guide to Developing and Documenting Cost Estimates During the Feasibility Study*. U.S. Environmental Protection Agency. Office of Emergency and Remedial Response. EPA 540-R-00-002/OSWER 9355.0-75. July 2000

EPA 2004. *How to Evaluate Alternative Cleanup Technologies for Underground Storage Tank Sites: A Guide for Corrective Action Plan Reviewers*. (EPA 510-B-94-003; EPA 510-B-95-007; and EPA 510-R-04-002).

H&H EcoSystems, Inc., 1990. Bothell Site – BP Station, Information Sheet. (Description of soil remediation activities performed in the former excavation area.)

Hart Crowser, Inc. January 27, 2012. Remedial Action Report. BP Oil Station #11352. Bothell Way NE and NE 188th Street, Bothell, WA.

Lee Morse, Inc., 1990a. Completion Documents. (Documentation of UST removal activities.) May 22.

Lee Morse, Inc., 1990b. Summary of Sample Results. (Description of UST removal activities.) April 17.

These documents are on file at Ecology's Northwest Regional Office located at 3190 160th Avenue Southeast, Bellevue, WA 98008.

This Covenant is required because the Remedial Action resulted in residual concentrations of gasoline range hydrocarbons, benzene, and total xylenes which exceeded the Model Toxics Control Act Method A Cleanup Level (s) for soil and groundwater established under WAC 173-340-900.

The undersigned City of Bothell is the fee owner of real property legally described on attached Exhibit A (hereafter "Property") in the County of King, State of Washington, that is subject to this Covenant. The Affected Portion of the Property (as defined below) is shown on the attached Exhibit C.

City of Bothell 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. A portion of the Property contains Gasoline Range Organic contaminated soil and groundwater located in the area North of and under the Pool Building in a zone at least 3 to 6 feet below ground surface. The area affected with residual gasoline Range Organic contamination that is subject to

Model Restrictive (Environmental) Covenant
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this Covenant is shown on Exhibit C hereto ("Affected Portion of the Property"). The Owner shall not alter, modify, or remove the existing structure[s] in any manner in the Affected Portion of the Property 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.

b. Without the prior written approval of Ecology, any activity on or under the Affected Portion of the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited (without prior written approval of Ecology) in the Affected Portion of the Property include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health 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 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 shall monitor, or permit Ecology to monitor, the existing wells located on the Property in accordance with the well monitoring plan attached hereto as Exhibit B-1 until such time as Ecology agrees to modify or terminate such monitoring requirement. In addition, Owner shall monitor, or permit Ecology to monitor, the foundation of the building, concrete slab on grade, and swimming pool located on the Property in accordance with the cap monitoring plan attached hereto as Exhibit B-2 until such time as Ecology agrees to modify or terminate such monitoring requirement.

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Section 9. 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.

CITY OF BOTHELL
18305 - 101st Avenue NE, Bothell, WA

By: 

Robert S. Stowe
City Manager
City of Bothell/Owner

Dated: 6-18-12

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By: 

Robert W. Warren P.Hg., MBA
Northwest Regional Office
Toxics Cleanup Program Section Manager

Dated: 6-22-12

Exhibits: A. Legal Description of the Property
 B-1. Groundwater Monitoring Requirements
 B-2 Cap Monitoring Requirements
 C. Site Map Showing Affected Area

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Exhibit A
LEGAL DESCRIPTION OF THE PROPERTY

Lot 2, City of Bothell Boundary Line Adjustment Number BLA 2010-00006, recorded under Recording Number 20101230900001, in King County, Washington.

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Exhibit B-1
GROUNDWATER MONITORING REQUIREMENTS

Schedule of Work

This groundwater monitoring program is designed to be conducted in accordance with the cleanup action plan on a quarterly basis through July of 2013. Then continue on a bi-annual basis (covering the wet and dry seasons, or site specific worst case conditions), evaluate data at 5 (five) year review. If site conditions appear stabilized then: annual monitoring (worst case time of year, based upon historical data) for the duration of the covenant.

The water quality parameters that will be monitored and recorded include temperature, pH, specific conductance, dissolved oxygen, turbidity, and oxidation- reduction potential. Each monitoring well will be purged until either all six water quality parameters or the minimum subset parameters of pH, specific conductance, and turbidity or dissolved oxygen stabilize.

The following wells will be sampled in order to meet the requirements of this covenant:

Injection Well-1
Injection Well-2
Injection Well-3

Sampling and Analysis

Groundwater samples will be collected from the pump outlet tubing and placed directly into laboratory prepared sample containers. Each container will be labeled with a unique sample identification number, placed on ice in a cooler, and transported to the project laboratory under standard chain of custody protocols for laboratory analysis.

Sample Identification Numbers

GROUNDWATER*MW01- yyyyymmdd
Include one duplicate sample (from well MW01)MW99- yyyyymmdd

Analytical Methods

GRPH and BTEX by Methods
NWTPH- Gx and EPA 8021B(4 x VOAs preserved w/ HCl)

Report Preparation

The results of each annual groundwater monitoring event will be summarized and submitted to the Washington State Department of Ecology (Ecology) no later than 90 days after receiving the laboratory analytical report.

Model Restrictive (Environmental) Covenant
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Exhibit B-2
CAP MONITORING REQUIREMENTS

Requirements

Inspect the foundation of the pool building, concrete slab on grade, and swimming pool in its entirety for evidence of cracking, erosion, animal burrows, settlement, ponded water, sloughing, seepage, or other potentially damaging conditions that may compromise the integrity of the pool building foundation, concrete slab on grade, and swimming pool, as a cap, or that may complete the pathway for direct contact with petroleum hydrocarbon contamination. Maintenance of the pool building foundation concrete slab on grade, and swimming pool, as a cap is the responsibility of the Property owner.

Duration of Work

This Operation and Maintenance activity is designed to be conducted on an annual basis.

Schedule

This inspection should be conducted annually and repeated indefinitely, or until concentrations of petroleum hydrocarbons in soil are compliant with Washington State Model Toxics Control Act.

Report Preparation

The results of the annual building foundation, concrete slab on grade, and swimming pool inspection will be summarized and submitted to the Washington State Department of Ecology (Ecology) no later than 10 business days following the inspection.

Exhibit C

SITE MAP SHOWING THE AFFECTED PORTION OF THE PROPERTY

(Map available for public review in Washington State Department of Ecology files. Map was removed for recording purposes.)

Coordinates of Northshore Pool Building and potential extent of Soil and Groundwater Contamination affecting this portion of the property.

- A. 47.763781 -122.208687
- B. 47.763781 -122.208119
- C. 47.763554 -122.208690 *
- D. 47.763550 -122.208119 *
- E. 47.763707 -122.208687
- F. 47.763750 -122.208113

* Coordinates outside of the "Affected Portion of Property" shown on above described map

Model Restrictive (Environmental) Covenant
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Exhibit C
SITE MAP SHOWING THE AFFECTED PORTION OF THE PROPERTY
(see attached)

