



PERIODIC REVIEW

**Industrial Warehouse
Facility Site ID#: 1252928**

**2450 6th Avenue South
Seattle, WA**

Northwest Region Office

Toxics Cleanup Program

May 2012

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the Industrial Warehouse (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under Ecology's Voluntary Cleanup Program (VCP). VCP identification number for the Site was NW 1016. Following cleanup actions, diesel-range petroleum hydrocarbons (DRPH) and benzene remain in soil at the Site at concentrations exceeding MTCA Method A cleanup levels. Additional groundwater monitoring is needed to confirm that groundwater has been cleaned up. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. 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; or
 - 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 evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances of mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

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

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site Description and History

The Site is associated with a property located at 2450 Sixth Avenue South in Seattle, Washington (the Property, see Vicinity Map - Appendix 6.1). The Property is bordered on the west by the Sixth Avenue South and on the east by railroad tracks, on the south by South Lander Street and on the north by a warehouse and truck maintenance facility. The Site comprises heating oil releases to soil and groundwater.

The Property is located in the lower Duwamish Industrial area, south of downtown Seattle. The area is completely developed, and dominated by commercial and industrial businesses. The Duwamish River is approximately 1 mile to the west. Prior to 1900, the Property and adjacent areas were part of the Elliott Bay tidelands. The tidelands were filled in the early 1900's. The current buildings on the Property were constructed between the years 1951 and 1961, and have been used as warehouses by different businesses for general storage purposes and retail stores.

Soils beneath the Property consist of sandy silt to silty sand fill. The fill material is likely underlain by tideflat estuarine sediments. A shallow water table aquifer occurs within the fill, and is likely separated from deeper aquifers by the low permeability estuarine sediment. The depth to water varies, but is typically about 7 to 12 feet below ground surface (bgs).

2.2 Regulatory Summary

Following remedial activities and filing of a Restrictive Covenant on the Property dated August 26, 2004, Ecology issued a No Further Action (NFA) determination letter on September 9, 2004. The NFA was contingent upon on the Restrictive Covenant. It also required groundwater monitoring and maintenance. In the NFA letter, Ecology stated that it agreed with the proposed semi-annual, two year period groundwater monitoring plan. Failure to conduct necessary monitoring and maintenance would result in the automatic withdrawal of the NFA determination.

After completion of two years of groundwater monitoring, Ecology reviewed the data and concluded that "the two year semi- annual groundwater monitoring results indicated that the groundwater was meeting MTCA cleanup levels". The Site obtained a NFA on May 31, 2006, still contingent upon the Restrictive Covenant recorded in 2004. However, it should be noted that for the last round of groundwater monitoring conducted in March 2006, diesel was detected in all six monitoring wells, and the concentration in one well (CMW-4) was 4.4 mg/L. The 4.4 mg/L concentration exceeded the MTCA Method A cleanup level of 0.5 mg/L. No additional groundwater monitoring has been conducted since March 2006.

2.3 Site Investigations and Remedial Activities

Clayton Group Services (Clayton) performed a Phase I Environmental Site Assessment (ESA) at the Property in 2001 and identified three heating oil tanks located beneath the western portion of the warehouse. The USTs were reportedly installed in the early to mid 1950s.

Following Phase I study, Clayton conducted subsurface investigations between November 2002 and January 2003. Results from those subsurface investigations confirmed releases in the vicinity of two of the USTs (UST-1 and UST-3) as shown on Figures 2 and 3. Free product was detected in a boring (B-5) drilled north of UST-1. A free product recovery well was installed adjacent to B5 and UST-1 in February 2003, and a free product recovery program was initiated in March 2003 and continued through November 2003. Approximately 300 gallons of free product was removed from the recovery well.

The three USTs were decommissioned in-place in March 2003, and removed in March and April of 2004. It appears that petroleum contaminated soil (PCS) was primarily confined to a wet, fine to coarse sand layer located at a depth of approximately 8 to 12 feet bgs in the vicinity of UST-3, and 11 to 13 feet bgs in the vicinity of USTs-1 and 2. Approximately 77 tons of clean overburden and PCS were excavated from the vicinity of UST-3 in an area of approximately 12' x 8' x 12'. Approximately 250 tons of PCS were excavated from around USTs-1 and 2 in an area of 45' x 18' x 13'. PCS were transported to Rabanco, Inc. in Seattle for disposal. Approximately 700 gallons of petroleum contaminated groundwater were pumped from the excavation in the vicinity of UST-3 and 2,500 gallons from around USTs-1 and 2. Petroleum contaminated groundwater was disposed of by Emerald Petroleum, Inc. in Seattle. The excavation was limited in both UST-3 and USTs-1 and 2 considering the structural integrity of the warehouse building. Results from soil confirmation sampling were shown on Figures 4 and 5 with diesel concentrations ranging from non-detect to 44,000 mg/kg and benzene concentrations from non-detect to 0.22 mg/kg. It appears that PCS still remained in the vicinity of the USTs.

The excavation was backfilled with pea gravel to depth of 4 feet bgs. The remainder of the excavation was backfilled with control density fill (CDF). A new concrete slab was later poured over the excavation.

Six post-remediation groundwater monitoring wells were installed in March 2004 to evaluate the impact of PCS and groundwater associated with the USTs releases, including potential off-property migration. The locations of the wells are shown on Figure 6. Neither petroleum hydrocarbons nor associated compounds of benzene, toluene, ethylbenzene, and xylenes (BTEX) were detected in any of the soil samples collected during drilling of the six wells. Based on the requirements of Ecology's 2004 NFA letter, groundwater monitoring was conducted on a semi-annual basis for two years in 2004 and 2005. Neither petroleum hydrocarbons nor associated compounds of BTEX were detected in the groundwater samples collected in the first three rounds of monitoring. However, diesel-range petroleum hydrocarbons were detected in all six samples collected in March 2006 with concentrations ranging from 0.30 to 4.4 mg/L as shown on Figure 6. If groundwater flows to the south in the vicinity of USTs 1&2 as stated in the Semi-Annual Groundwater Monitoring Reports (Clayton 2004-2006), no wells have been placed downgradient of the source area. Also the plume might have migrated off-property to the south/southwest.

2.4 Cleanup Standards

Cleanup standards consist of cleanup levels and points of compliance, which must be established for each site. Cleanup levels determine at what level a particular hazardous substance does not threaten human health or the environment. Points of compliance designate the location on the site where the cleanup levels must be met.

a) Cleanup Levels

Soil

Because the cleanup at this Site was relatively straight forward and involved few hazardous substances, the MTCA Method A cleanup levels for industrial land uses were deemed applicable and appropriate. Note that the Method A cleanup levels were established based on protection of groundwater.

Groundwater

The MTCA Method A cleanup levels for groundwater were deemed applicable and appropriate. Cleanup levels were set for groundwater based on its use as a potential drinking water source.

b) Points of Compliance

Soil

Soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance was established in the soils throughout the Site from the ground surface to fifteen feet below the ground surface. Soil cleanup levels based on protection of groundwater, the point of compliance is in soil throughout the Site.

Groundwater

The standard point of compliance for groundwater was established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2004 which imposed the following limitations:

-
- Section 1. The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020 (23) and defined in and allowed under the City of Seattle's zoning regulations as of the date of this Restrictive Covenant.

No groundwater may be taken for domestic and agricultural use from the Property.

A portion of the Property contains diesel range petroleum hydrocarbons contaminated soil located at the west half of the warehouse. 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.

Any activity on 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 in the capped areas 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 Restrictive 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 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 if Ecology, after public notice and opportunity for comment, concurs.

The Restrictive Covenant is available in Appendix 6.7.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Property 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 Restrictive Covenant serves to assure the long-term integrity of the cap.

It is likely that soils with DRPH concentrations higher than MTCA cleanup levels are still present at the property. This contamination is contained beneath building and pavement. Ecology conducted a site visit on April 24, 2012. The property continues to operate as a warehouse/retail business stores. A photo log is available in Appendix 6.8. Based on the site visit, the building and pavement (cap) at the Property appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. This cap will continue to provide an adequate barrier to prevent human exposure through ingestion and direct contact with contaminated soils.

As stated in Section 2.2 and 2.3, the last round of groundwater monitoring was conducted in March 2006, diesel was detected in all six monitoring wells, and the concentration in one well (CMW-4) was 4.4 mg/L. The 4.4 mg/L concentration exceeded the MTCA Method A cleanup level of 0.5 mg/L. No additional groundwater monitoring has been conducted since March 2006. Additional groundwater monitoring is needed to demonstrate the effectiveness of cleanup actions on contaminated groundwater.

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

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

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

The cleanup at the Site was governed by Chapter 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."

3.4 Current and projected Site use

The Site is currently used as a warehouse/retail business stores. 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 selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The Restrictive Covenant for the Property is in place and will be effective in protecting public health and the environment from exposure to soil contamination and protecting the integrity of the cleanup action.
- Soil cleanup levels may still have not been met at the standard point of compliance for the Site; however, the cleanup action for soil has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The condition of the groundwater may not comply with cleanup standards, and additional groundwater monitoring is needed to demonstrate compliance with cleanup standards.

Based on this review, Ecology has determined that the requirements of the Restrictive Covenant are being met. However, additional groundwater monitoring is needed to confirm that groundwater has been cleaned up. 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

Clayton Group Services. Semi-Annual Groundwater Monitoring Report – Industrial Properties. 2450 6th Avenue South, Seattle, Washington (TCP ID#NW1016). May 22, 2006.

Clayton Group Services. Semi-Annual Groundwater Monitoring Report – Industrial Properties. 2450 6th Avenue South, Seattle, Washington (TCP ID#NW1016). October 14, 2005.

Clayton Group Services. Semi-Annual Groundwater Monitoring Report – Industrial Properties. 2450 6th Avenue South, Seattle, Washington (TCP ID#NW1016). May 4, 2005.

Clayton Group Services. Semi-Annual Groundwater Monitoring Report – Industrial Properties. 2450 6th Avenue South, Seattle, Washington (TCP ID#NW1016). October 15, 2004.

Clayton Group Services. Underground Storage Tank (UST) Removal and Site Assessment. Prepared for: Industrial Properties, Inc., Seattle, Washington. 2450 6th Avenue South, Seattle, Washington. May 20, 2004.

Clayton Group Services. Subsurface Release Investigation Report- Industrial Properties Inc. February 9, 2003.

Clayton Group Services. Phase I Environmental Site Assessment, Industrial Transfer Warehouse and Storage Yard. September 2001.

Ecology. Site Visit. April 2012.

Ecology. No Further Action Opinion Letter. May 31, 2006.

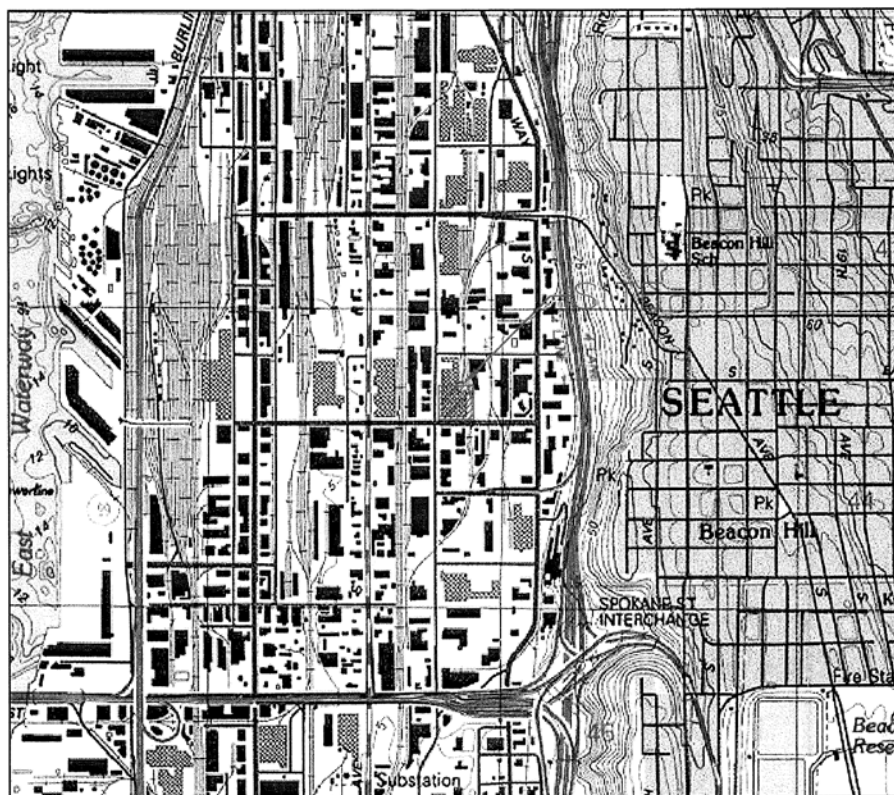
Ecology. No Further Action Opinion Letter. September 9, 2004.

Ecology. Restrictive Covenant. August 26, 2004.

O'Sullivan Omega. Underground Storage Tank Closure Report, Industrial and Transfer and Storage Co. Inc. June 13, 1994.

6.0 APPENDICES

6.1 Vicinity Map



Printed from TOPOI ©2001 National Geographic Holdings (www.topo.com)

SITE VICINITY MAP

SCALE: 1"=24,000'



Portion of 7.5-minute Series
Topographic Map
United States Department of the Interior
Geological Survey

Seattle South East, Washington Quadrangle
1983
Scale 1:24,000

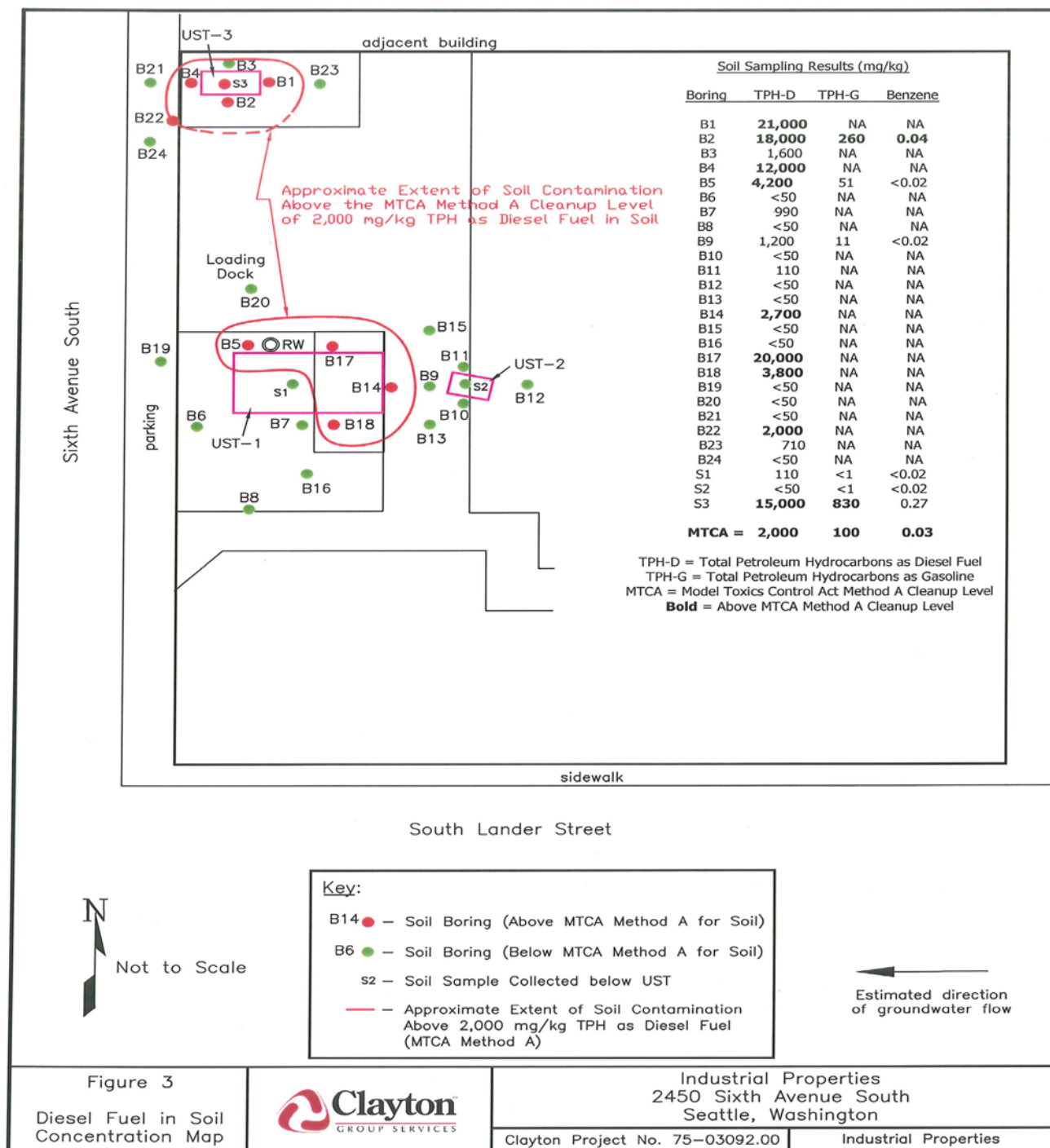


SITE LOCATION

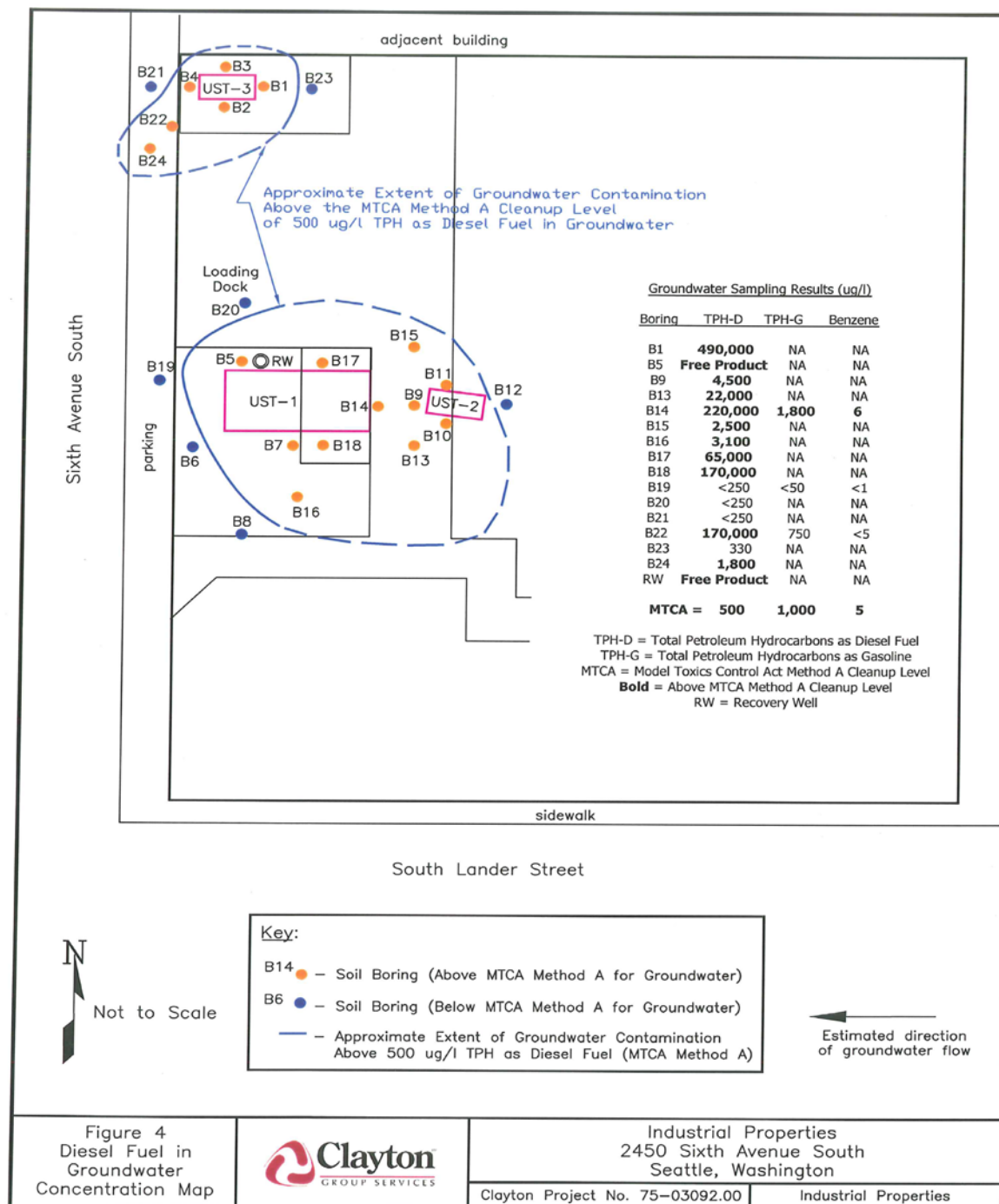
INDUSTRIAL PROPERTIES
2450 SIXTH AVENUE SOUTH
SEATTLE, WASHINGTON

PROJECT NUMBER:	7503092.03	INSPECTOR/DESIGNER:	M. POLK
DATE:	October 14, 2005	DRAWN BY:	G. CASTILLO
FILE:	03092_03.dwg	CHECKED BY:	
		CLAYTON GROUP SERVICES 4636 E Marginal Way South Suite 140 Seattle, Washington 98134 PH 206.763.7364 FAX 206.763.4189	
			FIGURE 1

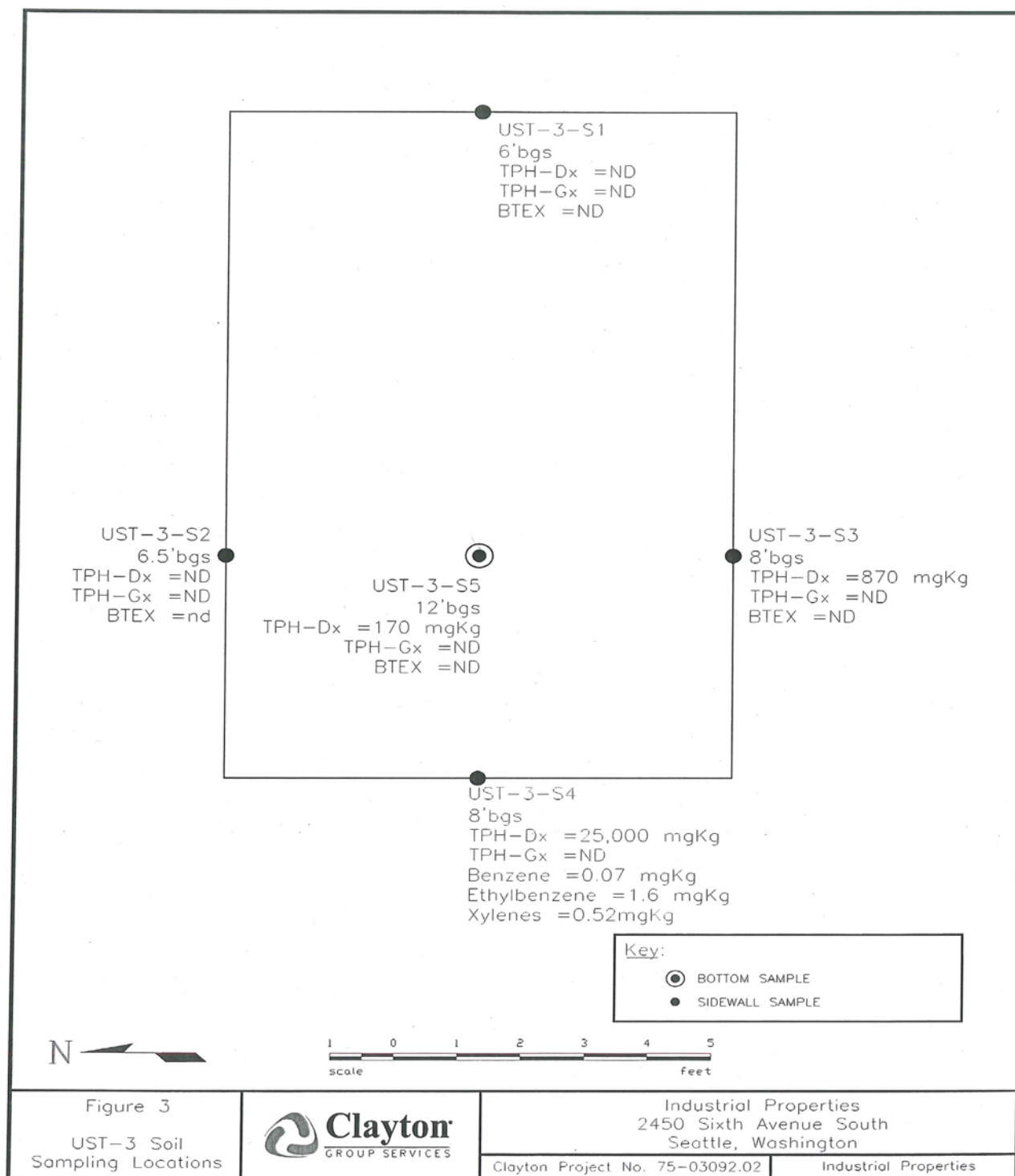
6.2 Soil Sampling Results from Subsurface Investigation Conducted by Clayton between November 19, 2002 and January 7, 2003.



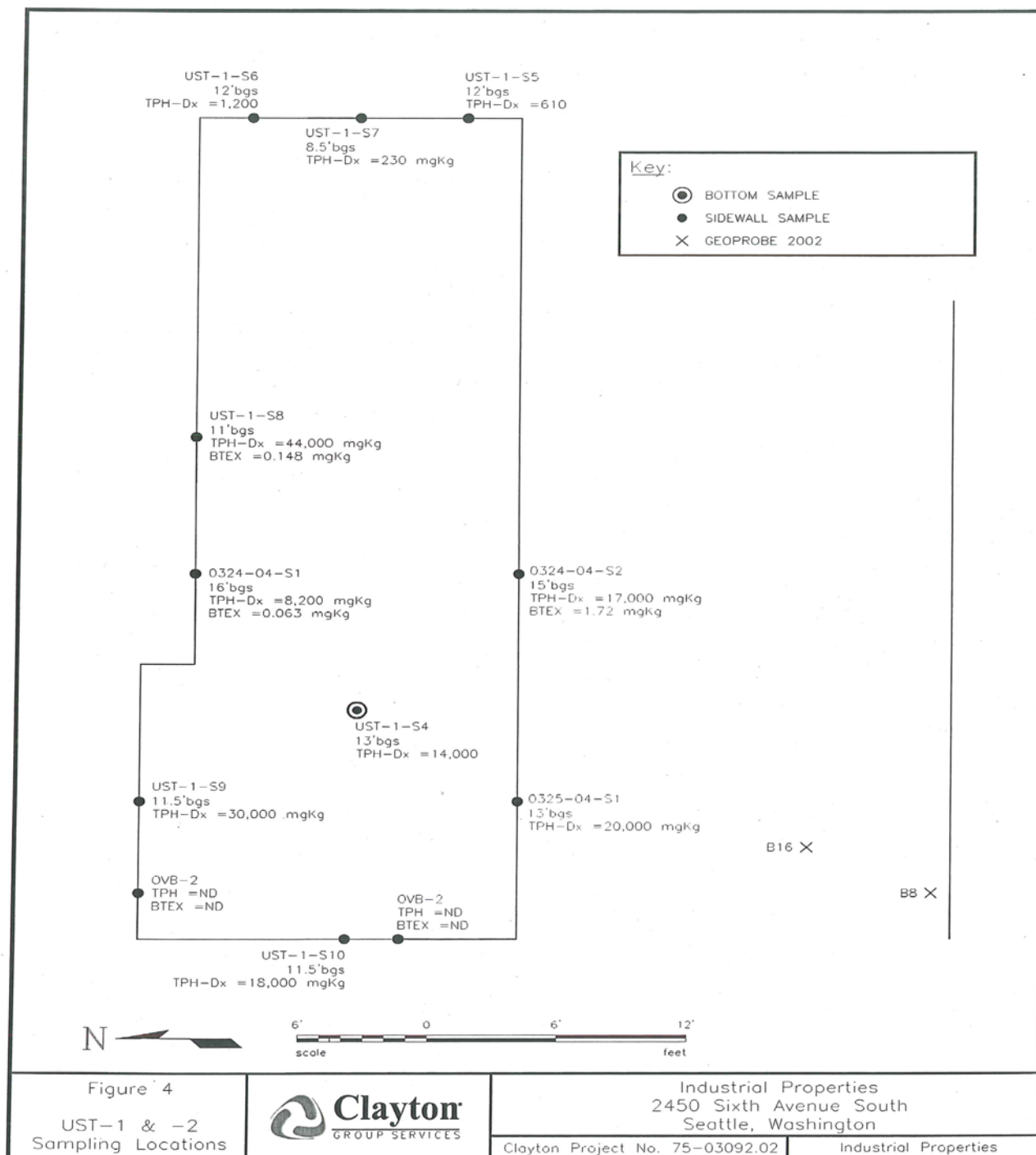
6.3 Groundwater Sampling Results from Subsurface Investigation Conducted by Clayton between November 19, 2002 and January 7, 2003.



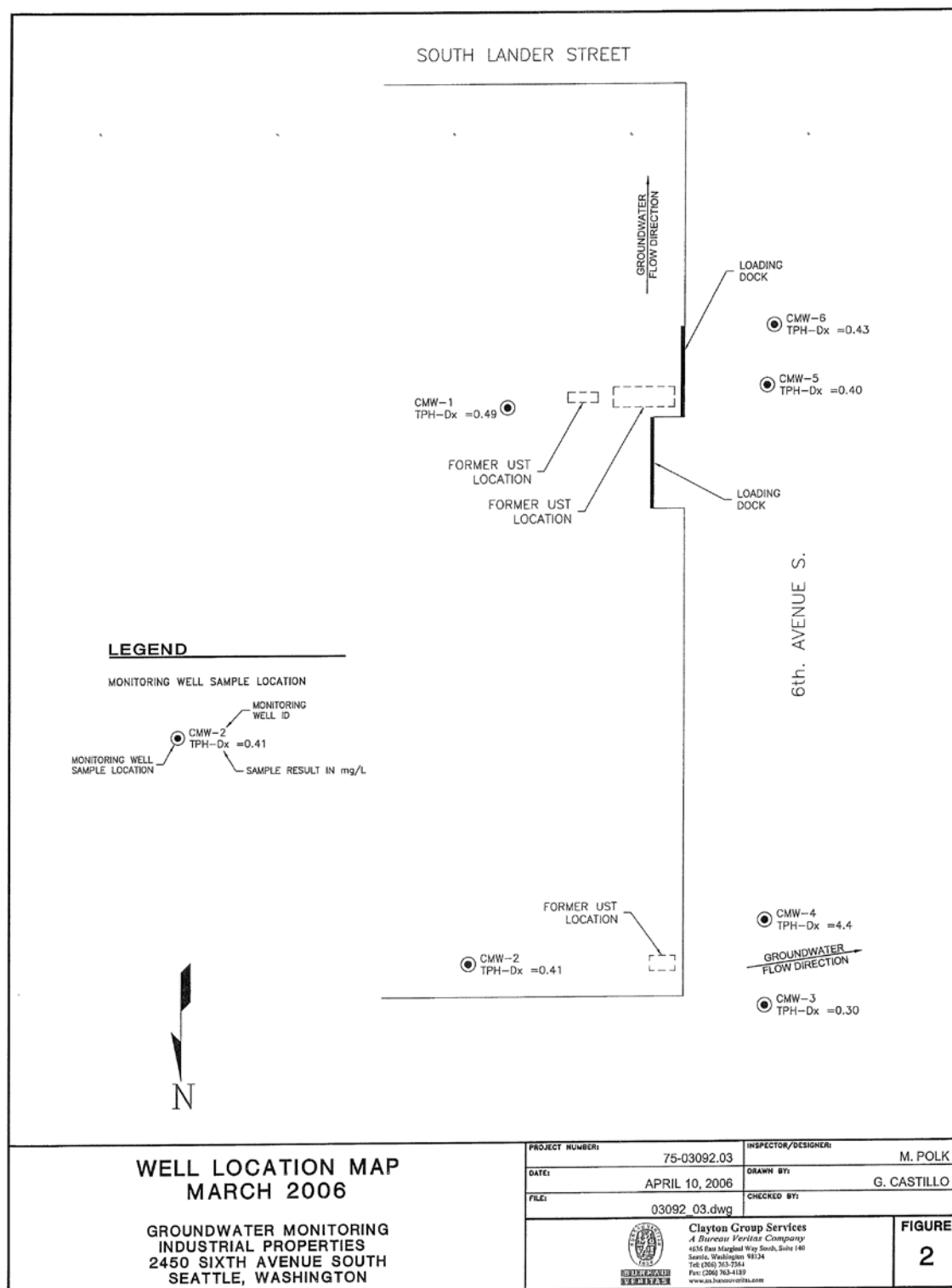
6.4 Soil Confirmation Sampling Results from UST1 Excavation



6.5 Soil Confirmation Sampling Results from USTs 2&3 Excavation



6.6 Post-Remediation Groundwater Sampling Results (March 29, 2006)



6.7 Environmental Covenant

CONFORMED COPY

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KING COUNTY, WA

(Space above this line for recorder's use only)

DOCUMENT TITLE:	Restrictive Covenant
REFERENCE NUMBER(S) OF RELATED DOCUMENTS:	
Additional reference numbers on page(s) ____ of document.	
GRANTOR:	1. Industrial Properties, Inc. 2. 3.
GRANTEE:	1. Washington State Department of Ecology 2. 3.
ABBREVIATED LEGAL DESCRIPTION:	Lots 7 through 11, Block 252, Plat of Seattle Tide Lands Block 01 - 376
Additional legal on page ____ of document.	
ASSESSOR'S TAX PARCEL NO(S).	766620-3530

RETURN COPY

Mr. Ben Ives
Industrial Properties, Inc.
P.O. Box 1716
Auburn, WA 98071-1716

RESTRICTIVE COVENANT

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440 by Industrial Properties, Inc., its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description: Lots 7 through 11, Block 252, Seattle Tide Lands Blocks 01-376.

Tax Parcel I.D. #: 766620-3530.

RESTRICTIVE COVENANT
INDUSTRIAL PROPERTIES, INC

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Industrial Properties, Inc., its successors and assigns, and the State of Washington 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 documents:

1. "Underground Storage Tank Closure Report Industrial and Transfer and Storage Co. Inc." by O'Sullivan Omega dated June 13, 1994
2. "Phase I Environmental Site Assessment, Industrial Transfer Warehouse and Storage Yard" by Clayton Group Services dated September 2001
3. "Subsurface Release Investigation Report – Industrial Properties Inc." by Clayton Group Services dated February 2003
4. "Interim Free Product Recover – Industrial Properties Inc." by Clayton Group Services dated February 2003
5. "Underground Storage (UST) Closure and Site Assessment – Industrial Properties Inc." by Clayton Group Services dated April 2003
6. "Site Remediation Feasibility Study – Industrial Properties Inc." by Clayton Group Services dated June 2003
7. "Sampling and Analysis Plan for the Removal of One Underground Storage Tank and the Characterization of Groundwater Quality– Industrial Properties Inc." by Clayton Group Services dated December 2003
8. "Sampling and Analysis Plan for the Removal of Two Underground Storage Tanks – Industrial Properties Inc." by Clayton Group Services dated March 2004
9. "Underground Storage (UST) Removal and Site Assessment – Industrial Properties Inc." by Clayton Group Services dated May 2004

These documents are on file at Ecology's NWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of diesel range total petroleum hydrocarbons which exceed the Model Toxics

Control Act Method A Industrial Cleanup Level for soil and groundwater established under WAC 173-340-745 and WAC 173-340-720.

The undersigned, Industrial Properties Inc., is the fee owner of real property (hereafter "Property") in the County of King, State of Washington that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this restrictive covenant and made a part hereof by reference.

Industrial Properties Inc. 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.

The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020 (23) and defined in and allowed under the City of Seattle's zoning regulations as of the date of this Restrictive Covenant.

No groundwater may be taken for domestic and agricultural use from the Property.

A portion of the Property contains diesel range petroleum hydrocarbons contaminated soil located at the west half of the warehouse. 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.

Any activity on 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 in the capped areas 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 Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

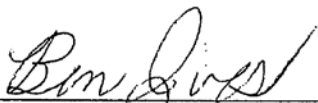
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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 if Ecology, after public notice and opportunity for comment, concurs.

Dated: August 20, 2004.

INDUSTRIAL PROPERTIES, INC.

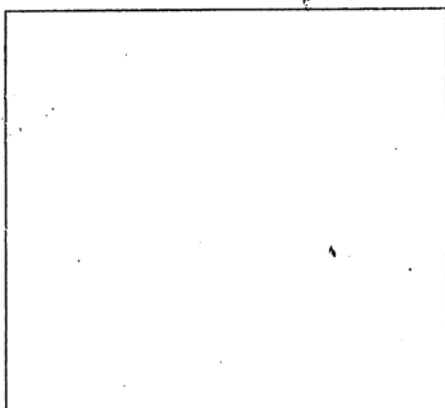


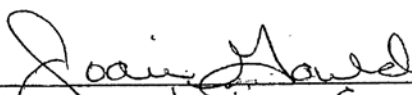
Ben Ives, President

STATE OF WASHINGTON)
)
COUNTY OF KING) ss:

I certify that I know or have satisfactory evidence that Ben Ives is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as the President of Industrial Properties, Inc., a corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: August 20, 2004.




Print Name: Jodie Gauld
NOTARY PUBLIC in and for the State of
Montana residing at Great Falls
My Appointment expires: June 4th 2008

(Use this space for notarial stamp/seal)

6.8 Photo Log

Photo1: The west side of the building abutting 6th Ave S. – from the southwest



Photo2: The south side of the building abutting S. Lander St – from the southwest



Photo 3: The northwest corner of the building where UST3 used to be located



Photo 4: The extent of USTs 1&2 excavation located in the mid-western portion of the building



Photo 5: Monitoring wells CMW-4 and CMW-3 located on the right-of-way of 6th Ave S – from the north

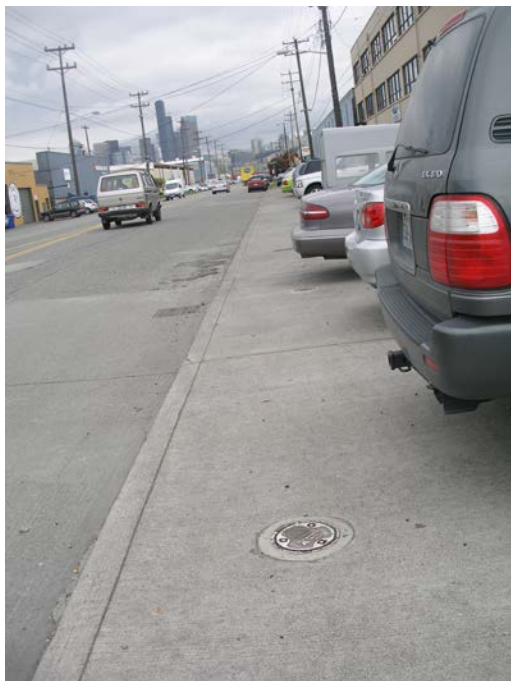


Photo 6: Monitoring wells CMW-5 and CMW-6 located on the right-of-way of 6th Ave S – from the north



Photo 7: Monitoring well CMW-1 in the vicinity of UST-2

