



**SECOND PERIODIC REVIEW REPORT
FINAL**

AIR SPARES INC.

**Facility Site ID#: 36399481
Cleanup Site ID#: 5946**

**2617 East L Street
Tacoma, WA 98421**

**Southwest Region Office
TOXICS CLEANUP PROGRAM**

April 2019

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup conditions and monitoring data to ensure that human health and the environment are being protected at the Airspares Inc. site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). The first periodic review was conducted in February 2014. This periodic review evaluates the period from March 2014 through February 2019.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of oil-range total petroleum hydrocarbons (TPH-O) in soil that exceed MTCA Method A cleanup levels. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- Whenever the department conducts a cleanup action.
- Whenever the department approves a cleanup action under an order, agreed order or consent decree.
- Or, as resources permit, whenever the department issues a no further action (NFA) opinion.
- 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 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 or mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.
- (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 History

The former AirSpares, Inc. property (Site) is located in Pierce County, at 2617 East L Street in the city limits of Tacoma, Washington. The Site is approximately 1.95 acres in size and located in a residential/commercial area, southeast of city center. The Airspares facility was built in early 1970s for Pacific Northwest Bell. Airspares, a manufacturing company, bought the property in 1985. The surrounding land use consists of a mixture of single-family residential and commercial properties, as well as various transportation corridors. Previously part of the property housed large storage and fabrication facilities and a calling center. Currently the property includes a large building and a parking lot used by the Sterling Reference Laboratories.

The Site included three underground storage tanks (USTs), used for the storage and dispensing of gasoline, diesel and the storage of waste oil. The USTs were 6,000, 10,000 and 300 gallons capacity tanks respectively. The USTs were presumed to have been installed during construction of the facility, in the early 1970s and reported to have been taken out of service sometime during 1986. All three USTs were removed in April of 1998. A vicinity map is available as Appendix 6.1 and a Site Plan is available as Appendix 6.2.

2.2 Cleanup Levels

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 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 for each hazardous substance.

2.3 Remedial Activities

2.3.1 1998 USTs Removal

In April 21, 1998, the 10,000-gallon diesel UST pit was excavated and the tank was removed. Field screening detected no indications of any total petroleum hydrocarbons (TPH) contamination of the soil, in the tank pit area or excavated soils. The removed tank showed no visual indications of any pin holes or steel/weld failures. Final tank pit excavation measured approximately 32 feet X 16 feet X 14 feet deep. Following removal of the UST, soil samples were obtained from the pit bottom, and individual pit sidewalls. Two composite soil samples were also obtained from the approximate 40-60 cubic yards of excavated soils. All soil sample

results were below the laboratory detection limits. The pit area was backfilled and compacted with the excavated soil.

Following the diesel UST removal, the gasoline UST pit area was excavated. The tank had been bedded and backfilled with sand. Field screening, including visual and olfactory methods and HNU photoionization detector, showed no indications of any TPH contaminated soils present in the gasoline tank pit soils. The removed tank showed no visual indications of any holes or steel/weld failures. Subsequent to the removal of UST, soil samples were obtained from the pit bottom, sidewalls and from approximately 30 cubic yards of excavated soils. Laboratory analytical results of all soil samples were at the non-detect level. Following soil sampling and confirmatory analyses, the tank pit was refilled and compacted with the excavated soil.

On April 22, 1998, the waste oil tank was excavated and removed. Obvious visual and olfactory indications of TPH contaminated soils were noticed in the soils surrounding the tank. The removed tank showed no visual indications of any pin holes and or weld joint failures. The cause of the TPH contaminated soils was suspected to have been from overfilling of the tank. Subsequent to the tank removal, the pit area was excavated to a depth of 9.5 ft below ground surface (bgs). One soil sample was collected and the pit was backfilled with the excavated material and covered with poly sheeting. TPH concentrations were above MTCA Method A cleanup levels. No polychlorinated Biphenyls (PCBs), metals, or solvents were detected. On May 20 and 21, 1998, the waste oil tank pit area was re-excavated. A total of approximately 176 cubic yards of TPH contaminated soils were excavated and transported to TPS Thermal Desorption Facility in Tacoma for treatment. Confirmation soil samples were obtained from the pit bottom, the east, the north, and the south sidewalls. The re-excavation exposed the southeast building footing area. The field screening indicated the presence of TPH contamination in a 12 to 16 inch of sand layer which had been placed beneath the building prior to its construction. To characterize this contamination, two soil borings were hand drilled two feet under the building and one composite sample was obtained from the two hand borings. Soil samples were also obtained from the sand layer to confirm that this approximate 12 inch band of sand was the only TPH contamination remaining. The composite soil sample results showed a TPH-O concentration of 11,000 mg/Kg. Following soil sampling, the pit was backfilled with clean fill material. Groundwater was not encountered during the removal of any USTs. Figures showing the UST and soil sampling locations are enclosed as Appendix 3 and Appendix 4 respectively.

The above soil samples were analyzed for TPH-gasoline, diesel and oil range (TPH-G, TPH-D and TPH-O), benzene, toluene, ethylbenzene and xylenes (BTEX) and total lead. In addition, the original samples were also analyzed for PCBs and chlorinated hydrocarbons. All soil sample results were nondetects except TPH-O (1,600 mg/Kg), lead (142 mg/Kg), toluene (0.16 mg/Kg), ethylbenzene (0.13 mg/Kg) and total xylenes (1.37 mg/Kg), which do not exceed any of the current MTCA Method A cleanup levels. The removed USTs were cleaned and disposed of at Schnitzer Steel Industries in Tacoma, Washington.

2.3.2 2006 Additional Investigation

A subsurface investigation was initiated to address concerns expressed by Ecology in its opinion letter, dated October 27, 2005. This investigation was to determine if groundwater was present

at the Site, collect groundwater samples, if applicable and determine the extent of any TPH contamination found near the waste-oil tank excavation. Additional investigation was conducted on January 26, 2006 by drilling direct push/probe borings. Two soil samples were collected at 12 and 30 feet bgs and analyzed for the multiple analytes required by Table 830-1 of MTCA. Groundwater was not encountered while drilling.

The result of soil sample from 10 bgs had a TPH-O concentration of 5,800 mg/Kg, above the MTCA Method A cleanup level. The carcinogenic polycyclic aromatic hydrocarbons were detected, but at levels below Method A cleanup level of 0.1 mg/Kg (Toxicity Equivalence Factors). The soil sample from 30 feet bgs was non-detect for petroleum hydrocarbon constituents. Since the TPH-O exceedence location was right next to the building, to maintain the integrity of the building, no excavation was conducted to remove the petroleum contaminated soils (PCS).

2.6 Restrictive Covenant

In April 2008, Ecology determined that the Site is eligible for an NFA determination if the remaining PCS contaminated soils were protected through the implementation of institutional controls. A NFA determination was issued by Ecology on September 19, 2008 and a Restrictive Covenant [now referred to as an environmental covenant (EC)] was recorded for the property on September 26, 2008. Institutional controls would prevent exposure to remaining contaminated soils and serve to notify the future property owners of contamination at the Site. The EC imposes the following limitations:

Section 1: A portion of the Property contains TPH-O contaminated soil located beneath the Southeast corner of the building. The owner shall not alter, modify, or remove the existing structure[s] 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 EC and notify all lessees of the restrictions on the use of the Property.

Section 6: The Owner must notify and obtain from Ecology prior to any use of the Property that is inconsistent with the terms of this EC. 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 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 EC 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 EC is available as Appendix 6.6.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on February 15, 2019, the building and asphalt cover at the Site continue to eliminate direct exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition and no repair, maintenance or contingency actions have been required. The Site is currently occupied by Sterling Reference Laboratory. A photo log is available as Appendix 6.5.

Soils remain at the Site with TPH-O concentrations exceeding MTCA Method A cleanup levels. These soils remain contained beneath asphalt, and the building approximately at 14 feet bgs. No groundwater was encountered during the drilling of any soil borings. In addition, results of a soil sample collected at 30 feet bgs were all nondetects for all petroleum constituents indicating that the contaminated soils do not pose a threat to groundwater.

An EC was recorded for the Site and remains active. This EC prohibits any use of the property that is inconsistent with the covenant or will release contaminants remaining in soil at the Site.

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

There is no new relevant scientific information for hazardous substances remaining at the Site.

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

MTCA Method A cleanup levels for contaminants of concern at the Site have not changed since the NFA determination was issued in 2008.

3.4 Current and projected Site use

The Site is currently occupied by a laboratory facility. This use is not likely to have a negative impact on the risk posed by hazardous substances contained at the Site. There are no changes projected in the Site use.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included capping 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 actions were capable of detection below Site 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 if institutional controls were properly implemented.
- Soil cleanup levels have not been met at the Site; however, under WAC 173-340-740(6) (d), the cleanup action could comply with cleanup standards if the long-term integrity of the containment system was ensured and the requirements for containment technologies in WAC 173-340-360(8) have been met.
- The EC for the property is in place and will be effective in protecting public health from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this review, Ecology has determined that the remedial actions conducted at the Site continue to be protective of human health and the environment. The requirements of the EC are being satisfactorily followed and no additional remedial actions are required at this time. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the surface cover 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

Langseth Environmental Services, Inc. UST Removal Report. June 15, 1998.

Robinson Noble. Environmental Site Assessment Report. January 2006.

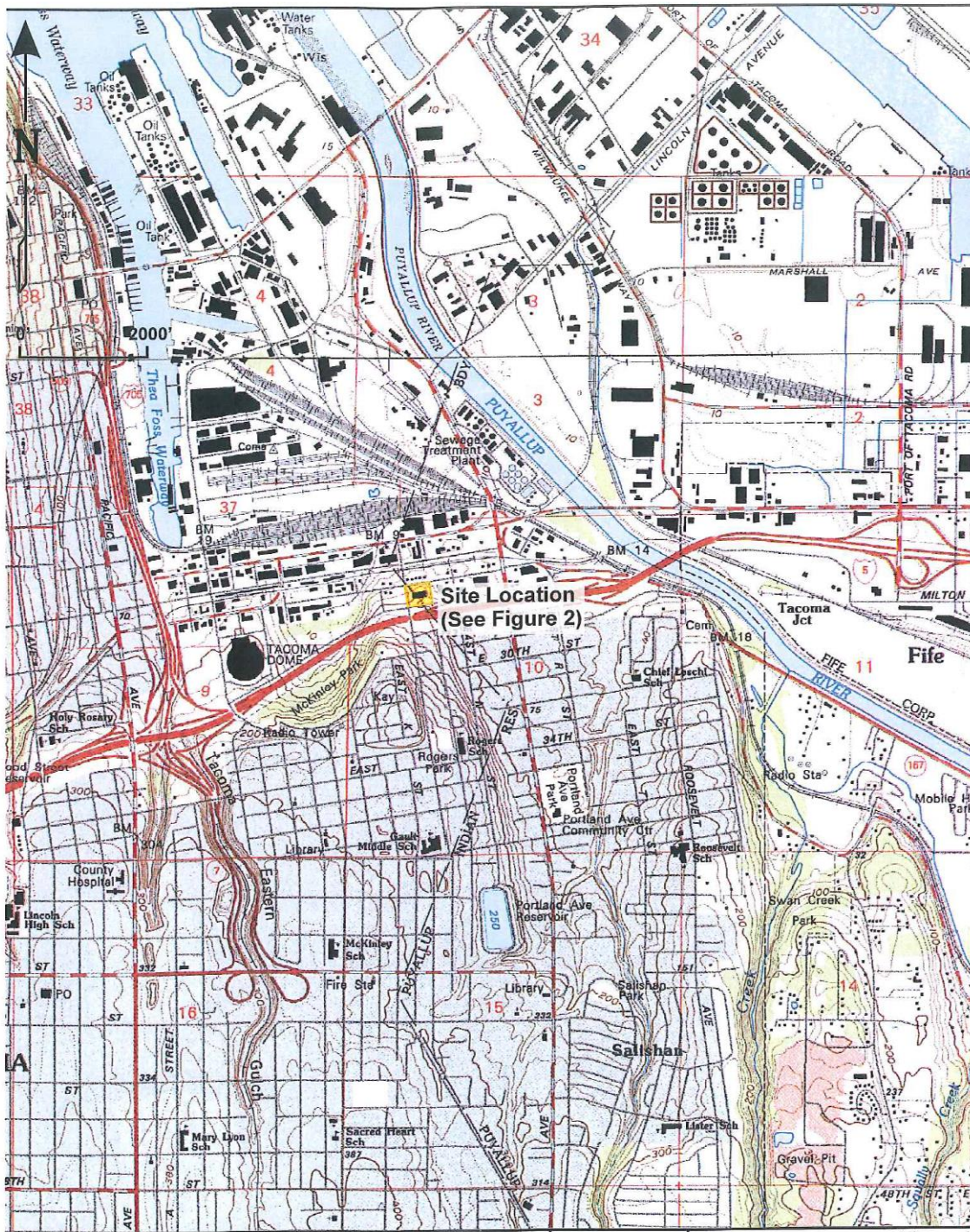
Department of Ecology. Restrictive Covenant. September 26, 2008.

Department of Ecology. No Further Action Determination Letter. April 19, 2008.

Department of Ecology. Site Visit. February 15, 2019.

6.0 APPENDICES

6.1 Vicinity Map




<p>ROBINSON NOBLE SALTBUSH INC. WATER & ENVIRONMENTAL SCIENTISTS</p>	Note: Basemap taken from USGS Tacoma South Quad	PM: SAM	2263-004A	Pierce County	Figure 1 Vicinity Map Frontier Bank: 2617 East L St/Phase 1 ESA
		January 2006	Scale 1" = 2000'	T 20 N/R 3 E - 10	

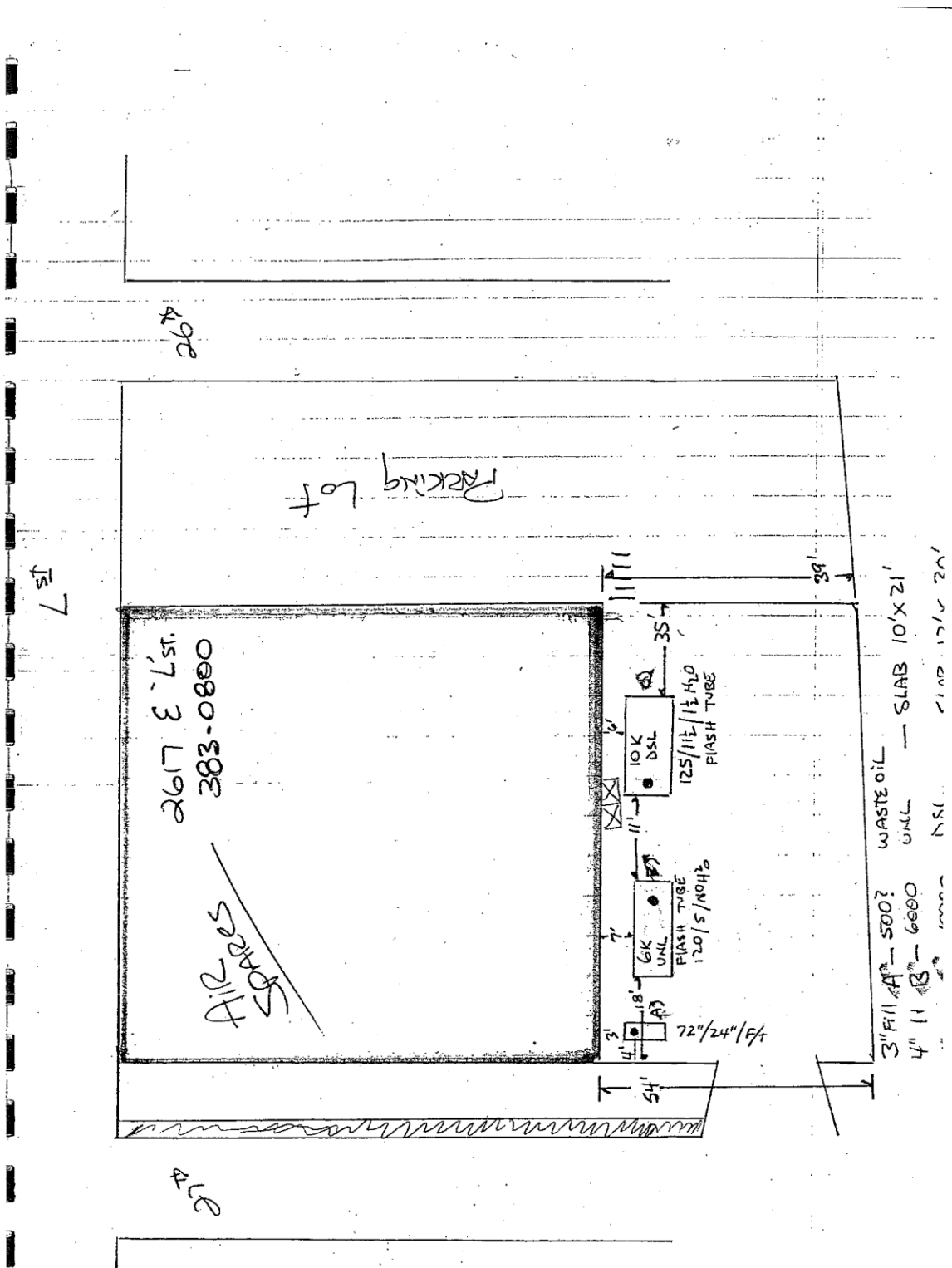
6.2 Site Plan



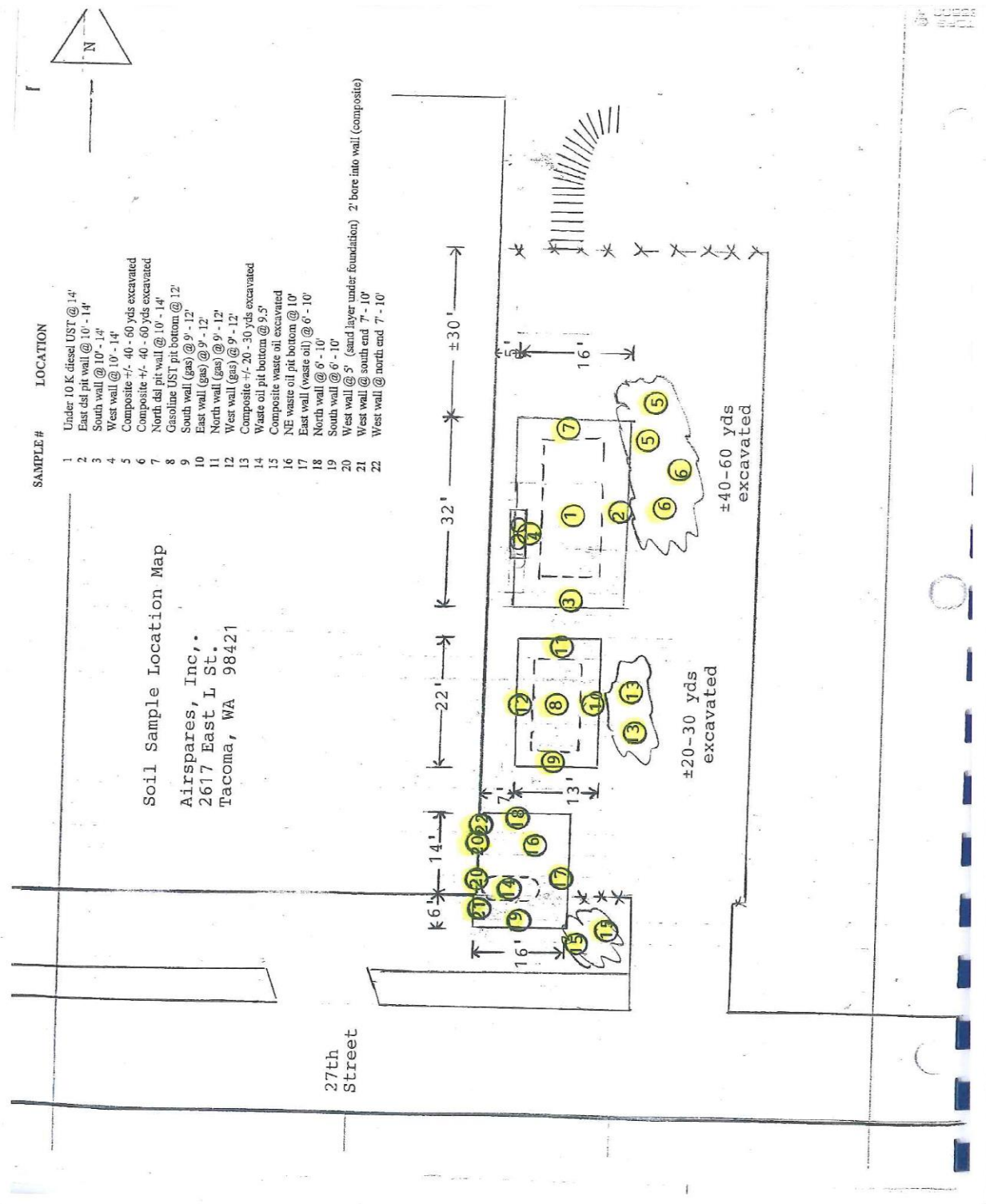
Figure 2
 Aerial Image of Site
 Frontier Bank: 2617 East L St/Phase 1 ESA

 <p>ROBINSON AND NOBLE <small>CONSULTING & ENVIRONMENTAL SCIENTISTS</small></p>	<p>Note: Basemap taken from Terra Server Image, 2002</p>	<p>PM: SAM January 2006 2263-004A</p>	<p>Pierce County T 20 N/R 3 E - 10</p>
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6.3: Underground Storage Tank Locations



6.4: Soil Sampling Locations



6.5: Soil Sample Results, TPH and BTEX

SOIL SAMPLE RESULTS TABLE

AIRSPARES, INC.
 2617 East L St. Tacoma, WA 98421

1/Waste oil .. waste oil product tested for metals (4), PCB's, Flash and Halogens. (mg/Kg)
 Cadmium <1, Chromium 2, Lead 539, Arsenic <1. PCB's <1. Flash >210. Halogens 473

Sample #	All results reported in mg/Kg = ppm (parts per million)						Sample Date
	Diesel						
1	nd						4-21-98
2	nd						" "
3	nd						" "
4	nd						" "
5	nd						" "
6	nd						" "
7	nd						" "
	Benzene	Toluene	EthBenz	Xylenes	Gasoline	Lead	
8	nd	nd	nd	nd	nd	nd	4-22-98
9	nd	nd	nd	nd	nd		" "
10	nd	nd	nd	nd	nd		" "
11	nd	nd	nd	nd	nd		" "
12	nd	nd	nd	nd	nd		" "
13	nd	nd	nd	nd	nd	nd	" "
		Diesel	Heavy Oil				
14		nd	nd				4-22-98
15		nd	1600				" "

In order to characterize the soils in the waste oil pit area, sample # 15 was tested for PCB's, Specific Halogenated Hydrocarbons, BTEX and Heavy Metals.
 As per enclosed laboratory analytical, all results were under MTCA Method A cleanup guidelines.

16	< 100	5-21-98
17	< 100	" "
18	< 100	" "
19	< 100	" "
20	11000	" "
21	< 100	" "
22	< 100	" "

BTEX by EPA 8020, Gasoline by NWTPH-Gx, Diesel and Heavy Oil by NWTPH-Dx-Dx Extended. Heavy Metals by EPA 7000 Series. PCB's by EPA 8080 & 8082. Specific Halogenated Hydrocarbons and BTEX by EPA 8010/8020. Total Metals by EPA AES 0029. Flash by ASTM D-93. Total Halogens by EPA 9076 Mod.

Soil Sample Results, cPAHs

Table 6.1: Summary of analytical results for soil samples, in mg/kg

Analyte	Method	Sample L10	Sample L30	MTCA
Oil	NWTPH-Dx/Dx Extended	5,800	-	2,000
Total cPAHs	8270C SIM	0.26	-	0.10
Halogenated and Aromatic Hydrocarbons	8260B	nd on all analytes	-	-
Gasoline	NWTPH-HCID	-	nd	100
Diesel	NWTPH-HCID	-	nd	2,000
Heavy Oil	NWTPH-HCID	-	nd	2,000
Mineral Oil	NWTPH-HCID	-	nd	4,000

'bold' type indicates analyte above MTCA cleanup limits; 'nd' = analyte not detected

Table 6.2: Analytical results for Sample L10 cPAHs (EPA Method 8270C SIM)

Carcinogenic PAH Analyte	Result (in mg/kg)
Benzo(a)Anthracene	0.031
Benzo(a)Pyrene	0.054
Benzo(b)Fluoranthene	0.033
Benzo(k)Fluoranthene	<0.017
Chrysene	0.079
Dibenz(a,h)Anthracene	0.029
Indeno(1,2,3-cd)Pyrene	0.037
Total	0.26
MTCA	0.1

TEF
 x 0.1 = .0031
 x 1.0 = 0.054
 x 0.1 = .0033
 x 0.1 = .0017
 x 0.1 = .0079
 x 0.1 = .0116
 x 0.1 = .0037
 .078

6.6 Restrictive Covenant

Name & Return Address: Department of Ecology
P.O. Box 47725
Olympia, WA 98504-7725

200809260335 6 PGS
09/26/2008 1:15pm \$47.00
PIERCE COUNTY, WASHINGTON

RECEIVED
SEP 30 2008
Washington State
Department of Ecology

Please print legibly or type information.

Document Title(s) <u>ENV. Covenant</u>
Grantor(s) <u>2617 East L. Street Partners, LLC</u> ____ Additional Names on Page ____ of Document
Grantee(s) <u>State of Washington, Department of Ecology</u> ____ Additional Names on Page ____ of Document
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) <u>sect 10 T20N R03E</u> Complete Legal Description on Page <u>1</u> of Document
Auditor's Reference Number(s)
Assessor's Property Tax Parcel/Account Number(s) <u>2076380011</u>
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. I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.
Signature of Requesting Party (Required for non-standard recordings only) Gpcovst.doc rev 4/02

Model Restrictive (Environmental) Covenant

After Recording Return to:

Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

RECEIVED

MAR 20 2008

Washington State
Department of Ecology

Environmental Covenant

Grantor: 2617 East L Street Partners, LLC

Grantee: State of Washington, Department of Ecology

Legal: Section 10 Township 20 Range 03 Quarter 21 : TACOMA LD COS 1ST & 7TH
ALL BLK 7638 & 7737 INC VAC ALLEY & W 55 FT VAC "M" ST EXC SLY 30 FT B
7737 FOR STATE HWY PER ETN 644926 (DCD1575JU1-10-86)

Tax Parcel Nos.: 2076380011

Grantor, **2617 East L Street Partners, LLC**, 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 31st day of January, 2008 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 **2617 East L Street Partners, LLC**, 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]:

Site Characterization Report, Airspares, Inc. prepared by Langseth Environmental Services, Inc. dated June 15, 2006

2617 East L Street Property Phase I and Phase II ESA, prepared by Robinson, Noble & Saltbush, dated January 2006

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

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

The undersigned, **2617 East L Street Partners, LLC**, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Covenant. The Property is legally described [AS FOLLOWS:

Lots 4 to 12, inclusive, in block 7638 and lots 9 to 12, inclusive, in block 7737 of the Tacoma Land Company's Seventh Addition to the City of Tacoma, Washington, as per plat recorded in volume 6 of Plats, page 79; and lots 1 to 9, inclusive in block 7638 and lots 1 to 12, inclusive, in block 7737 of the Tacoma Land Company's first addition to Tacoma, W.T., as per plat recorded July 7, 1884, records of Pierce County Auditor;

Except the southerly 30 feet of said lots 1 to 12, inclusive, in block 7737 of the Tacoma Land Company's first addition to Tacoma, W.T., conveyed to the State of Washington by deeds recorded under Recording Nos. 1922704 and 1923793;

Together with the vacated alley between said blocks 7638 and 7737 and the vacated west 55 feet of "M" street adjoining said premises on the east;

Situate in the City of Tacoma, County of Pierce, State of Washington.

2617 East L Street Partners, LLC 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. (This Section must describe with particularity the restrictions to be placed on the property.)

A portion of the Property contains Oil-range petroleum hydrocarbon contaminated soil located beneath the Southeast corner of the building. The Owner shall not alter, modify, or remove the existing structure[s] 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 Covenant and notify all lessees of the restrictions on the use of the Property.

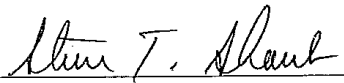
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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 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.

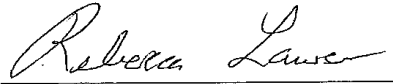
2617 East L Street Partners, LLC



Steve T. Shaub

Dated: 2-28-08

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Rebecca Lawson

Section Manager, Toxics Cleanup Program, Southwest Region

Dated: 4/19/08

1

[CORPORATE ACKNOWLEDGMENT]

STATE OF Washington
COUNTY OF PIERCE

On this 28 day of February, 2008, I certify that Steve Shaub personally appeared before me, acknowledged that he is the manager 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 was authorized to execute said instrument for said corporation.



Karena Miller
Notary Public in and for the State of
Washington, residing at
Tacoma
My appointment
expires 2-10-12

6.7 Photo Log

Photo 1: Front of the Building – From Northeast



Photo 2: Front of the Building – From Southeast



Photo 3: Back of the building – From the Southeast



PHOTO 4: Back of the building where USTs were located – From the Southeast



Photo 5: Former Waste Oil UST Approximate Location – From the East



Photo 6: Former Gasoline and Diesel USTs Locations – From the Southeast



Photo 7: Back of the building – From the Northeast



Photo 8: Soil boring location adjacent to former USTs

