



RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
Attn: Wayne D. Andresen
INLAND EMPIRE PAPER COMPANY
3320 N. Argonne Road
Spokane, WA 99212

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 Inland Empire Paper Company, 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. 03/30/01 – Chronology of Fuel Oil Storage Tank Leak, Rick Fink, IEP.
2. 07/09/01 – Results of Soil Sampling from Boreholes, Jeff Lambert, Lambert Group.
3. 08/06/01 – Ground Water Monitoring Report, GeoEngineers.
4. 11/02/01 – Ground Water Monitoring Report, GeoEngineers.
5. 02/13/02 – Ground Water Monitoring Report, GeoEngineers.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Inland Empire Paper Company, is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington that is subject to this Restrictive Covenant. The Property is a portion of the SW1/4, SW1/4, Sec. 5, T. 25 N., R. 45 E., W.M., Spokane County Tax Parcel #45053.0001 and is legally described in ATTACHMENT A of this RESTRICTIVE COVENANT and made a part hereof by reference.

Inland Empire Paper Company 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 petroleum hydrocarbon contaminated soil located under the fuel oil storage tank located in front of the boiler house. 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.

ATTACHMENT "A"

A portion of the Southwest Quarter of the Southwest Quarter of Section 5, Township 25 North, Range 44 East, W.M., more particularly described as follows:

Commencing at the Southwest Section Corner of said Section 5, thence N 33° 35' E, 973 feet to the southeast corner of the Inland Empire Paper Company Boiler Room Addition and the Point of Beginning; thence S 90° 00' W, along the south face of said Boiler Room Addition, 26.7 feet to the southwest corner of said Boiler Room Addition; thence S 00° 00' W, 21.0 feet, thence S 90° 00' E, 26.7 feet; thence N 00° 00' E, 21.0 feet to the Point of Beginning.