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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 24, 2012

Mr. John Hildenbrand
Robinson Noble, Inc.
3011 South Huson Street, Suite A
Tacoma, Washington 98409

Re: Environmental Covenant for the following Site:

- **Site Name:** Mizukami Project
- **Site Address:** 4524 20th St E, Fife Washington 98424
- **Facility/Site No.:** 9436194
- **VCP Project No.:** SW1137

Dear Mr. Hildenbrand:

The Department of Ecology (Ecology) appreciates your decision to clean up the Mizukami Project facility (Site) independently. Enclosed with this letter is the environmental covenant with Department of Ecology's Voluntary Cleanup Program representative signature.

Next Steps

Please record the signed restrictive covenant with the Pierce County Auditor's Office. Make and distribute all necessary copies of the recorded environmental covenant. Return the original signed and recorded environmental covenant to Ecology for the project file.

Contact Information

We are committed to working with you to accomplish the prompt and effective cleanup of the Site. If you have any questions about this request, please contact me at (360) 407-7404.

Sincerely,

Eugene Radcliff
VCP Site Manager
Toxics Cleanup Program, Southwest Regional Office

By certified mail: (7009 2820 0001 7161 0770)

ER/ksc:Environmental Covenant Cover letter





ROBINSONSM
NOBLE

RECEIVED

MAY 15 2012
WA State Department
of Ecology (SWRO)

3011 S. Huson Street, Suite A - Tacoma, Washington 98409
(253) 475-7711 FAX (253) 472-5846

LETTER OF TRANSMITTAL

TO: Eugene Radcliff	DATE: May 11, 2012
FROM: John Hildenbrand	

We are sending you ☒ ATTACHED ☐ UNDER SEPARATE COVER the following items:

COPIES	DESCRIPTION
1	Gensco-Mizukami Site Restrictive (Environmental) Covenant
1	Attachment A – Long-Term Groundwater Monitoring Plan
1	City of Fife letter of acknowledgment

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> For Approval | <input type="checkbox"/> Approved As Submitted | <input type="checkbox"/> Reviewed - No Additional Comments |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved As Noted | <input type="checkbox"/> Reviewed - See Additional Comments |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned For Corrections | <input type="checkbox"/> Return ____ Corrected Prints |
| <input type="checkbox"/> For Review and Comments | <input type="checkbox"/> Copies Retained for our Files | |
| <input type="checkbox"/> Return When Task is Complete | | |

REMARKS

Eugene, Please find enclosed the above mentioned documents. Once you have reviewed the documents and signed the covenant, please return them to us in order that we may file them appropriately. If you have any questions or concerns, please contact me.

RECEIVED

MAY 15 2012

WA State Department
of Ecology (SWRO)

Restrictive (Environmental) Covenant

After Recording Return to:
Eugene Radcliff
Toxic Cleanup Program
Southwest Regional Office
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Environmental Covenant

Grantor: CMKM LLC

Grantee: State of Washington, Department of Ecology

Legal: Section 12 Township 20 Range 03 Quarter 24 LOT 2 OF BLA 2006-07-24-5003
DESC AS FOLL BEG AT PT ON SLY LI 20TH ST E BEING NE COR OF PARCEL CYD
PER AFN 2005-11-14-1440 TH S 88 DEG 24 MIN 54 SEC E 384.83 FT TH S 02 DEG 02
MIN 00 SEC E 696.23 FT TH N 88 DEG 37 MIN 17 SEC W 135.51 FT TH N 44 DEG 56
MIN 00 SEC W 140.31 FT TH N 29 DEG 05 MIN 52 SEC W 100.27 FT TH N 01 DEG 14
MIN 23 SEC E 107.12 FT TH N 89 DEG 58 MIN 11 SEC W 147.69 FT TH N 54 DEG 14
MIN 11 SEC W 168.77 FT TH N 01 DEG 48 MIN 31 SEC E 106.81 FT TH N 88 DEG 41
MIN 14 SEC W 39.94 FT TH N 01 DEG 35 MIN 06 SEC E 90 FT TH N 53 DEG 35 MIN 51
SEC E 191.72 FT TH N 01 DEG 35 MIN 06 SEC E 570 FT TO POB EXC N 5 FT CYD TO
CY OF FIFE BY ETN 4154181 EASE OF REC OUT OF 2-012, 2-013, 2-033, 2-056, 6-017 &
6-018 SEG 2007-0185 LW08/17/06LW DC/BL 06-21-07BL

Tax Parcel Nos.: 0320126023

Cross Reference: N/A

Grantor, CMKM 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 ____ day of April, 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 **CMKM 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]:

1. Site Assessment Report, Langseth Environmental Services, Inc. July 11, 2003
2. Voluntary Cleanup Report, Langseth Environmental Services, Inc. October 27, 2004
3. Initial Groundwater and Soil investigation, Robinson Noble, Inc., April 2005
4. Remedial Investigation: Groundwater and Additional Soil Borings, Robinson Noble, January 2006
5. Groundwater Monitoring reports, Robinson Noble, Inc., March and July 2008
6. March 2011 Groundwater Monitoring Report, Robinson Noble, Inc, June 2011
7. June 2011 Groundwater Monitoring Report, Robinson Noble, Inc, July 2011
8. September 2011 Groundwater Monitoring Report, Robinson Noble, Inc, October 2011

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

This Covenant is required because the Remedial Action resulted in residual concentrations of diesel-range petroleum hydrocarbons (heating oil) which exceed the Model Toxics Control Act Method A Cleanup Level for SOIL established under WAC 173-340-740.

The undersigned, **CMKM 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: Section 12 Township 20 Range 03 Quarter 24 LOT 2 OF BLA 2006-07-24-5003 DESC AS FOLL BEG AT PT ON SLY LI 20TH ST E BEING NE COR OF PARCEL CYD PER AFN 2005-11-14-1440 TH S 88 DEG 24 MIN 54 SEC E 384.83 FT TH S 02 DEG 02 MIN 00 SEC E 696.23 FT TH N 88 DEG 37 MIN 17 SEC W 135.51 FT TH N 44 DEG 56 MIN 00 SEC W 140.31 FT TH N 29 DEG 05 MIN 52 SEC W 100.27 FT TH N 01 DEG 14 MIN 23 SEC E 107.12 FT TH N 89 DEG 58 MIN 11 SEC W 147.69 FT TH N 54 DEG 14 MIN 11 SEC W 168.77 FT TH N 01 DEG 48 MIN 31 SEC E 106.81 FT TH N 88 DEG 41 MIN 14 SEC W 39.94 FT TH N 01 DEG 35 MIN 06 SEC E 90 FT TH N 53 DEG 35 MIN 51 SEC E 191.72 FT TH N 01 DEG 35 MIN 06 SEC E 570 FT TO POB EXC N 5 FT CYD TO CY OF FIFE BY ETN 4154181 EASE OF REC OUT OF 2-012, 2-013, 2-033, 2-056, 6-017 & 6-018 SEG 2007-0185 LW08/17/06LW DC/BL 06-21-07BL.

CMKM 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. A portion of the Property contains diesel-range petroleum hydrocarbons (heating oil) contaminated soil located in the northeast corner of the subject property with an area occupied by or adjacent to utilities. Long-term groundwater monitoring is required for the property to confirm residual soil contamination is not impacting the property groundwater. The groundwater is to be sampled every 18 months, and the groundwater is to be analyzed for diesel-range petroleum and standard field parameters. Within 90-days, a groundwater monitoring report/memo shall be submitted to Ecology for review. The long-term monitoring plan is required to be reviewed by Ecology and attached as an appendix to this document. 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 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.

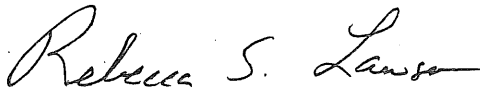
CMKM LLC



C.E. Walters Jr.
Administrative Manager

Dated: 4-25-12

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



[Name of Person Acknowledging Receipt]

[Title] SWRO Section Manager

TEP
Dated: 5/24/12

STATE OF WASHINGTON
COUNTY OF PICCOLA

[CORPORATE ACKNOWLEDGMENT]

On this 30 day of APRIL, 2013, I certify that C. E. WALTERS JR personally appeared before me, acknowledged that he/she is the ADMINISTRATIVE MGR. 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/she was authorized to execute said instrument for said corporation.

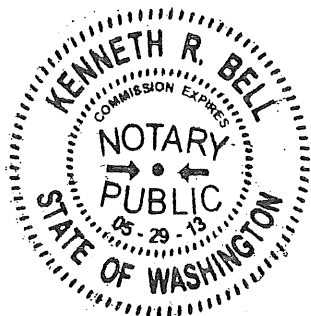
Kenneth R. Bell

Notary Public in and for the State of
Washington, residing at

SEATTLE

My appointment

expires 5/29/13



ENVIRONMENTAL COVENANT - ATTACHMENT A
MIZUKAMI PROJECT SITE (VCP SW1137)
4524 20th Street East, Fife, Washington
Long-Term Groundwater Monitoring Plan
January 2012

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TABLES

TABLE 1	PROPOSED SAMPLING DATES: FIRST FIVE-YEAR INTERVAL
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FIGURE

FIGURE 1	LONG-TERM GROUNDWATER MONITORING SITE AND WELL LOCATION MAP
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MIZUKAMI PROJECT SITE (VCP SW1137) 4524 20th Street East, Fife, Washington Long-Term Groundwater Monitoring Plan January 2012

1.0 Introduction

1.1 Purpose and Site Identification

This work plan details the Post-No Further Action (NFA) groundwater monitoring required by environmental covenant at the Mizukami project site located in Fife, Washington. The site is located at 4524 20th Street East, Fife, Pierce County, Washington. The parcel is bordered by 20th Street to the north and Frank Albert Road to the east. Across Frank Albert Road is a commercial business park. The subject site is bordered on the south and west by property under the same ownership, CMKM, LLC, as the subject site. Pierce County Assessor-Treasurer records indicate the subject property is identified as tax parcel number 0320126023.

1.2 Regional Geology/Hydrogeology

The subject property is mapped by the *Geological Map of the Puyallup 7.5 Minute Quadrangle, Washington* (Troost, in review) as being Quaternary alluvium (Qal). This alluvium is composed of over-bank deposits associated with the Puyallup River consisting of generally fine to very fine sand, silts, and clay. The soils in the area of the subject have been classified by the United States Department of Agriculture, as published in the *Soil Survey for the Pierce County Washington Area*, 1977, as Puyallup fine sandy loam. Previous site activities found groundwater occurring within the alluvial sediments at a depth of approximately six to seven feet below ground surface.

2.0 Background

The site is currently developed as a commercial warehouse. The current owner, CMKM, LLC, purchased the (then) residential property in July 2003. At that time, a heating-oil underground storage tank (UST) was excavated for removal. An aboveground, heating-oil storage tank was also in close proximity to this excavation. Fuel-oil service lines associated with this aboveground tank failed during the winter of 2003 and resulted in a leakage of over 150 gallons of diesel fuel into the subsurface. The impacted soil was excavated and removed offsite for disposal. A small area of impacted soil was not excavated due to its location in a sensitive utility right-of-way adjacent to the subject property.

Previous efforts have established that groundwater concentrations of diesel and diesel-range organics do not exceed MTCA Method A groundwater levels. However, some soil contamination has been shown to remain underneath the sidewalk and utility right-of-ways. Implementation of institutional controls has been selected as the most appropriate closure mechanism for this residual soil impact. These controls are specified in the environmental covenant to which this long-term monitoring plan is appended.

4.0 Quality Assurance/Quality Control (QA/QC)

4.1 Daily Field QA/QC

The project manager will review documentation including sample logs, custody forms, and field logs prior to samples being delivered to the laboratory. Review will be done for completeness, accuracy, and consistency.

4.2 Sample Packaging and Shipping

The groundwater samples collected for chemical analysis will be kept out of direct sunlight and checked for label completeness and cap tightness. All samples submitted to the laboratory shall be thermally preserved in the field (four degrees Celsius) immediately after sample collection by placing them upright in a pre-cooled, insulated ice chest containing uncontaminated blue ice. Only coolers constructed of plastic or fiberglass standard to those provided by environmental analytic laboratories will be used. The coolers will not have drains.

4.3 Chain-of-Custody

A chain-of-custody form will accompany samples submitted to the laboratory.

4.4 Laboratory QA/QC

A narrative regarding quality assurance and quality control will be provided with the laboratory analysis reports. This narrative will indicate whether or not quality control is within acceptable limits.

5.0 Reporting

Each monitoring event will be documented in a report that will be submitted to Ecology within 90-days of the monitoring event. The report will document the collection and analysis of the samples, present the analytical data, and comment on the quality assurance and quality control for the project. The reports will include interpretation of the data and include any recommendations that the data may warrant.

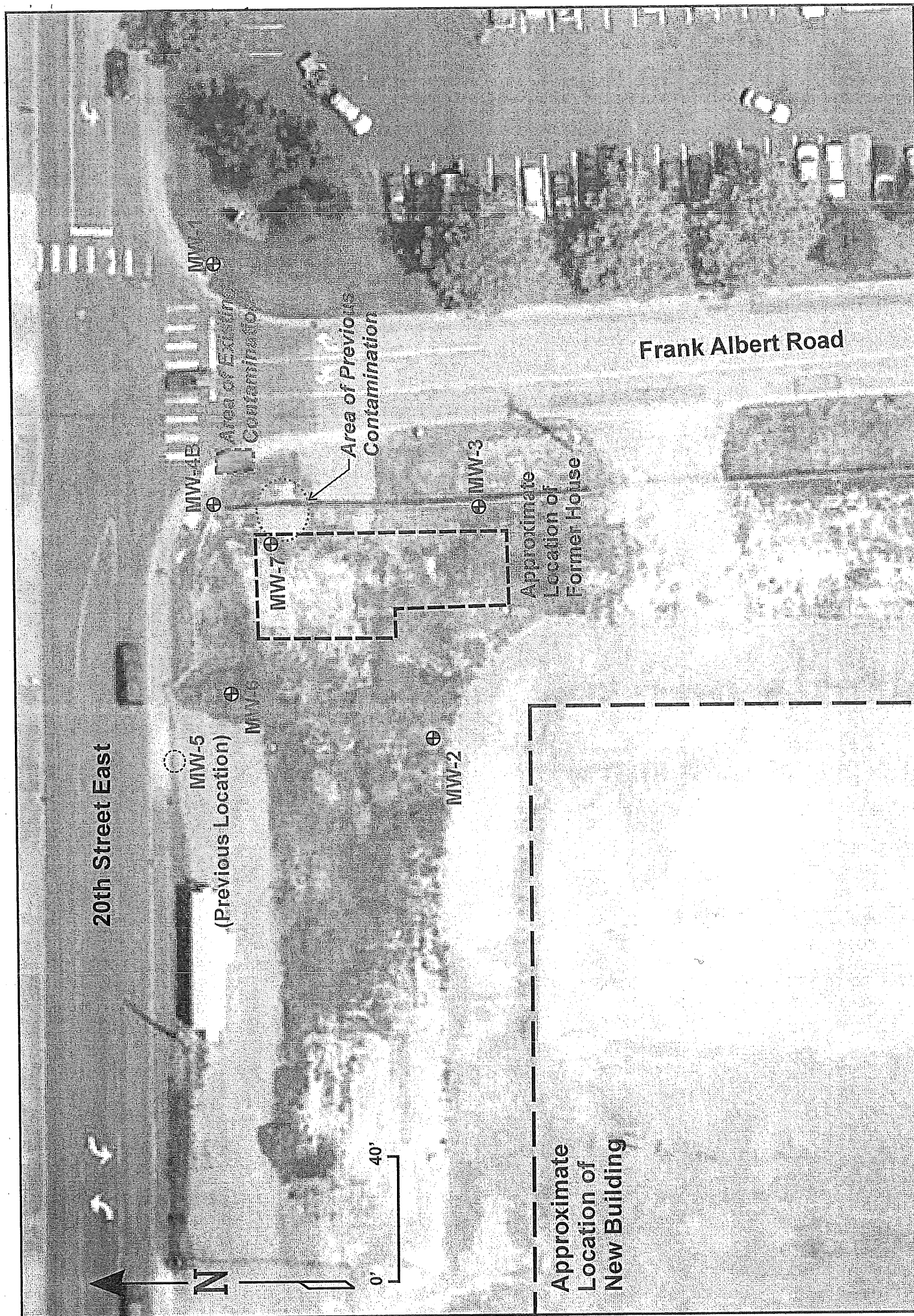



Figure 1
Long-term Groundwater Monitoring Site and Well Location Map
Mizukami Project: 20th Street/Remedial Investigation

 ROBINSON NOBLE	Note: Image taken from USGS Terra Server Website	PM: JFH January 2012 2203-001B	Pierce County T 20 N/R 03 E - 12 Scale 1" = ~40'
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www.cityoffife.org

RECEIVED

MAY 15 2012

WA State Department
of Ecology (SWRO)

March 27, 2012

John F. Hildenbrand
Environmental Services Manager
Robinson Noble, Inc.
3011 South Huson Street, Suite A
Tacoma, WA 98409

SUBJECT: Environmental Covenant/NFA Issuance
Gensco-Mizukami Site, 4524 20th Street East, Fife, WA

Dear Mr. Hildenbrand:

This letter is to acknowledge receipt of the covenant for the Gensco-Mizukami site located at 4524 – 20th Street East, Fife, WA, per WAC 173-340.

With this letter, we also request a copy of the finalized covenant and no-further-action (NFA) determination when the process is complete.

Thank you,

Beverly Boyle
Senior Planner
City of Fife

Cc: file

Council

Richard Godwin

Tim Curtis

Glenn Hull

Pat Hulcey

Mayor Rob Cerqui

Dee-Dee Dukes-Gethers

Lew Wolfstrom

City Manager

Dave Zabell

City Attorney

Loren Combs

City Clerk

Carol Etgen

Community Development

Director

David Osaki

Finance Director

Treasurer

Dave DeGroot

*Parks, Recreation
& Community Services*

Director

Kurt Reuter

Police Chief

Brad Blackburn

Public Works Director

City Engineer

Russ Blount

Public Works

3725 Pacific Hwy. E

Fife, WA 98424-1135

(253) 922-9315

James M. Paulson

Criminal Justice Center

3737 Pacific Hwy. E

Fife, WA 98424-1135

(253) 922-6633

Fife Community Center

2111 - 54th Avenue E

Fife, WA 98424-2061

(253) 922-0900

Fife Swim Center

5410 - 20th Street E

Fife, WA 98424-2061

(253) 922-7665

Fife City Hall

5411 - 23rd Street E.

Fife, WA 98424-2061

(253) 922-2489

Fax: (253) 922-5355