



Jefferson County Aud JODY BOWER

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Page: 1 of 5
06/11/2009 09:44A
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RECEIVED

MAY 27 2009

Washington State
Department of Ecology

Restrictive (Environmental) Covenant

After Recording Return to:

Chuck Cline
Department of Ecology
Southwest Region
P.O. Box 47775
Olympia WA 98504-7775

Grantor: Jody Bower
Grantee: State of Washington, Department of Ecology
Legal: 914 F Street, Port Townsend WA 98358
B.S. Petty Grove's Addition: Block 1, lots 7 & 8
Tax Parcel Nos.: 985500104

Grantor, Jody Bower, 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 27th day of April, 2009 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 Jody Bower, her 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]:

- Report of Cleanup Activities at 914 F Street by DLH Environmental Consulting, February 15, 2008.
- Calculation of Method B Cleanup Levels for Jody Bower Property by Whitman Environmental Sciences, February 11, 2008.



543869

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Page: 2 of 5
06/11/2009 09:44A
COV 46.00

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 B Cleanup Level(s) for Soil established under WAC 173-340-740.

The undersigned, Jody Bower, is the fee owner of real property (hereafter "Property") in the County of Jefferson, State of Washington, that is subject to this Covenant. The Property is legally described as follows:

914 F Street, Port Townsend WA 98368

Lots 7 and 8, of Block 1 of B.S. Pettygrove's Addition to Port Townsend, as per Plat recorded in Volume 2 of Plats, Page 94, Records of Jefferson County, Washington.

Jody Bower 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. Soil contaminated with diesel-range petroleum hydrocarbons was removed from the residential property owned by Ms. Bower. A leak from an old aboveground heating oil tank caused the contamination. A cleanup occurred that involved the removal of contaminated soil and testing of remaining soils. A limited quantity of heating oil contaminants remain on a portion of the property located near the basement door of the house on the north side. Such contaminants occur approximately 12 to 15 feet below the ground surface below the level of the basement floor, which lies 4 to 6 feet lower than the average grade of the surrounding grounds. The residual contaminants on the property pose no threat to groundwater, surface water, or neighboring properties.

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. No groundwater may be taken for any use from the Property. (Note: City of Port Townsend laws forbid installation of wells on residential property.)



543869

Jefferson County Aud JODY BOWER

Page: 3 of 5
06/11/2009 09:44A
COV 46.00

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.

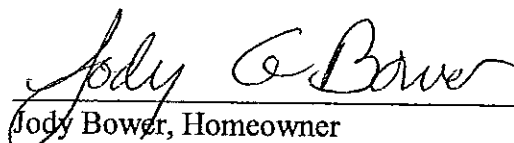
Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision 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.


Jody Bower, Homeowner

Dated: May 26, 2009



543869

Jefferson County Aud JODY BOWER

Page: 4 of 5
06/11/2009 09:44A
COV 46.00

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Rebecca S. Lawson

Rebecca S. Lawson, PE, LHG
SWRO Section Manager, Toxics Cleanup Program

Dated: 6/3/09



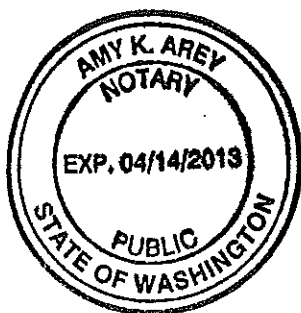
543869

Page: 5 of 5
06/11/2009 09:44A
COV 46.00

Jefferson County Aud JODY BOWER

STATE OF WACOUNTY OF Jefferson

On this 21st day of May, 2009, I certify that Jody Bower personally appeared before me, and acknowledged that she is the individual described herein and who executed the within and foregoing instrument and signed the same at her free and voluntary act and deed for the uses and purposes therein mentioned.



Notary Public in and for the State of
Washington, located at Port Townsend
My appointment expires 4/14/2013