

## 6.5 Environmental Covenant – Plant Site

After Recording Return To:  
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RESTRICTIVE COVENANT

DATED:

2/20, 199<sup>8</sup>

GRANTOR: PORT OF VANCOUVER  
a Washington municipal corporation

GRANTEE: None

ABBREVIATED LEGAL DESCRIPTION: SEC 20 T2N R1E and SEC 28 T2N R1E

FULL LEGAL DESCRIPTION LOCATED ON: PAGE 1

ASSESSOR'S PROPERTY TAX PARCEL OR ACCOUNT NUMBER: 059115-010.0

REFERENCE NUMBERS OF RELATED DOCUMENTS: None

RESTRICTIVE COVENANT

On the former Carborundum Silicon Carbide Plant Site  
2101 West 16th Street, Vancouver, WA 98660

The Port of Vancouver is the fee owner of real property in the County of Clark, State of Washington (the "Site") which has been the subject of an independent remedial action under Chapter 70.105D RCW. The Site is legally described as follows:

That portion of the Charles Proulx and George Malick Donation Land Claims lying in the North half of Section 28 and the South half of Section 21, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington described as follows:

Beginning at a 2 inch iron pipe marking the Northwest corner of the Amos Short Donation Land Claim as shown in Book 39 of Surveys at Page 125, records of said county; thence along the West line of said Short Donation Land Claim South 02° 19' 42" West, 2181.82 feet; thence North 87° 40' 18" West, 776.51 feet to the South line of a 100.00 foot strip of land as conveyed to Clark County for the purposes of a public highway and recorded in Volume 123 of Deeds at Pages 175 to 180, Records of said County and the True Point of Beginning; thence along said South line North 44° 38' 03" West, 1478.53 feet; thence South 43° 24' 10" West, 542.38 feet; thence South 46° 35' 50" East, 41.00 feet; thence South 43° 24' 10" West, 222.58 feet to the inner harborline as shown in Book 20 of Surveys at Page 67, Records of said County; thence along said inner harborline South 46° 35' 50" East, 1436.66 feet; thence leaving said inner harbor line North 43° 24' 10" East, 714.31 feet to the True Point of Beginning.

This Restrictive Covenant is required by Ecology as defined in WAC 173-340-440 because the remedial actions undertaken to clean the Site (the "Cleanup Actions") resulted in residual concentrations of carcinogenic polycyclic aromatic hydrocarbons (CPAHs) which exceed Model Toxics Control Act

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Method A cleanup levels for soil and groundwater established under WAC 173-340-720(2).

The Cleanup Actions are described in the following reports:

The Standard Oil Company Technical Service Response No. 5427, October 7, 1984.

The Standard Oil Company Technical Service Response No. 5554, Project 1196-02, Vancouver SIC Plant Baghouse Slurry Pond Evaluation, April 14, 1986.

Hart Crowser, Inc., Fill Site Removal Report, Port of Vancouver, Washington, December 24, 1992.

Hart Crowser, Inc., Soil Cover Construction Report, Former Carborundum Waste Disposal Ponds, Port of Vancouver, Washington, November 9, 1993.

CH2M Hill Port of Vancouver, Former Carborundum Facility, Vancouver, Washington, Groundwater Assessment, November 1994.

CH2M Hill Alternatives Assessment Report Remediation of Contaminated Soils, Port of Vancouver, Former Carborundum Facility Port of Vancouver, USA, March 1995.

CH2M Hill, Independent Remedial Action Close-out Report, Former Carborundum Site, December 1995.

CH2M Hill, December 1995 Groundwater Sampling Results, January 25, 1996.

CH2M Hill, Port of Vancouver Former Carborundum Facility Test Pit Results, November 8, 1996.

CH2M Hill, Port of Vancouver Former Carborundum Facility Railroad Soil Remediation Alternatives, February 4, 1997.

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CH2M Hill, Port of Vancouver Former Carborundum  
Facility Groundwater Assessment Summary, June 17,  
1997.

The above documents are on file at the State of Washington,  
Department of Ecology ("Ecology") Southwest Regional Office.

The Cleanup Action meets the Model Toxics Control Act Method C cleanup levels for industrial soil and groundwater established under WAC 173-340-700(3)(c) and 720(4) in conformity with the criteria established in WAC 173-340-745. Soil with CPAH concentrations greater than MTCA Industrial cleanup levels was removed from the plant footprint and the excavated area backfilled with clean soil. A layer of clean crushed rock overlies areas of soil with residual CPAH concentrations. A layer of soil with CPAH concentrations greater than eh cleanup level remains along the former railroad spur line located at the southern edge of eh site. The contaminated soil lies beneath about 3 feet of clean fill. Because the Site is located within the Port marine industrial area, access is limited. The Site is fenced and patrolled by Port security 24 hours a day. CPAH concentrations greater than MTCA levels and arsenic concentrations barely above MTCA levels have been detected in shallow groundwater in a small area within the Site. The Site is serviced by the City water system; therefore, use of groundwater is highly unlikely.

The Port of Vancouver makes the following declarations as to limitations, restrictions, and uses to which the Site may be put, and specifies that such declaration 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 Site.

Section 1: The Site may be used only for industrial purposes. The substantial and disproportionate argument for allowing residual CPAH concentrations to remain includes the maintenance of a soil cap.

Section 2: As of the date of recording this instrument, there are no structures on the Site. It is anticipated that some disturbances of the soil may be necessary for further use

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