



PERIODIC REVIEW

**Liquid Carbonic Carbon Dioxide
FS ID#: 8667316**

**5021 Colorado Avenue South
Seattle, Washington 98134**

Northwest Regional Office

TOXICS CLEANUP PROGRAM

July 2019

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the former Liquid Carbonic Carbon Dioxide facility (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Independent Remedial Action Program (IRAP). The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) exceeding MTCA Method A cleanup levels for soil. The cleanup levels for soil were established under WAC 173-340-740(2). The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action;
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree;
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) And one of the following conditions exists:
 - 1. Where an institutional control and/or financial assurance is required as part of the cleanup action;
 - 2. Where the cleanup level is based on a practical quantitation limit; or
 - 3. 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 and resource uses;
- (e) The availability and practicability of more permanent remedies; and
- (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 Liquid Carbonic Carbon Dioxide facility is located in an industrial area of south Seattle in King County, Washington (Vicinity Map - Appendix 6.1). The facility was constructed in 1910. Liquid Carbonic began installing equipment in 1930 for the manufacture of solid and liquid carbon dioxide. The building is currently leased to multiple commercial and light industrial tenants, including offices, construction companies, and artist work spaces. Site plans are in Appendix 6.2.

Following remedial activities, a Restrictive Covenant was recorded for the property in 1997 and was replaced with an amended Restrictive Covenant in 2000. The Site received a 'No Further Action' determination in 1997, which was also updated in 2000 following the completion of groundwater monitoring at the Site.

2.2 Site Investigations and Cleanup

Four underground storage tanks (USTs) in three separate excavation zones were removed in 1993 by West Pac Environmental, Inc., contracted by ENSR Consulting and Engineering. The size and contents of the USTs included: 6,000-gallon diesel, 3,000-gallon monoethanolamine, 18,000-gallon Bunker C heating fuel, and 15,000-gallon Bunker C heating fuel. The two large heating fuel USTs were in the same excavation. The diesel UST was not found to have had a release.

Summit Envirosolutions Inc. (Summit) conducted a modified Phase I Environmental Site Assessment at the Site in 1994. The assessment focused on several below grade sumps at the Site, and the potential for leakage of oily waste from these sumps. Two borings were advanced by hollow-stem auger drill rig and five borings were advanced by hand auger. Temporary well points were installed in the two drill rig borings and in one of the hand auger borings to collect groundwater samples. Soil sample results indicated the presence of diesel-range petroleum hydrocarbons (TPH-D), heavy oil-range petroleum hydrocarbons (TPH-O), and mercury at concentrations exceeding MTCA Method A cleanup levels at the time. TPH-D and TPH-O were detected in groundwater samples from all three well points at concentrations exceeding MTCA Method A cleanup levels.

Thirty-five additional soil borings were advanced and five additional groundwater monitoring wells were installed in 1995. Soil samples from nine of the soil borings were submitted for laboratory analysis. Samples were analyzed for total petroleum hydrocarbons (TPH); benzene, toluene, ethylbenzene, and xylenes (BTEX); and metals. Gasoline-range petroleum hydrocarbons and BTEX were not detected above MTCA Method A cleanup levels in any of the samples. TPH-D and TPH-O were detected at concentrations exceeding MTCA Method A cleanup levels in several of the soil samples. Groundwater samples collected from the five

monitoring wells detected TPH-D, TPH-O, chromium, and mercury at concentrations exceeding MTCA Method A cleanup levels.

Summit conducted a remedial action at the Site in 1996. Approximately 300 cubic yards of petroleum contaminated soil (PCS) was excavated and removed from the Site. Excavation areas were based on samples collected during the site assessment. Excavation areas included two in the shop area and four in the engine room of the Liquid Carbonic facility. Samples collected from the limits of the excavation indicated that TPH concentrations remain which exceed the site-specific cleanup levels. Petroleum hydrocarbons were reportedly left in-place because 1) petroleum hydrocarbons were detected in soil samples collected at the level of groundwater and 2) petroleum hydrocarbons were detected in soil samples collected beneath large compressor foundations and/or adjacent to roof support footings.

2.3 Cleanup Levels

Site-specific cleanup levels were calculated for TPH in soil using Ecology's soils rating matrix. MTCA Method A cleanup levels were used for metals at the Site. A summary of Site cleanup levels can be found in the table below:

Analyte	1991 MTCA Soil Cleanup Level (ppm)	Site Specific Soil Cleanup level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	Site Specific Groundwater Cleanup Level (ppb)
Arsenic	20	NL	5	NL
Barium	NL	NL	NL	NL
Cadmium	2	NL	5	NL
Chromium	100	NL	50	NL
Lead	250	NL	5	NL
Mercury	1	NL	2	NL
Selenium	NL	NL	NL	NL
TPH	NL	NL	1000	NL
TPH-Gas	100	NL	NL	NL
TPH-Diesel	200	600	NL	10,000
TPH-Oil	200	800	NL	15,000
NL = None listed				

2.4 Groundwater Monitoring

Groundwater monitoring was started in 1995, and continued quarterly as part of the 'No Further Action' determination and Restrictive Covenant filed in 1997. During the first sampling event in 1995, barium and chromium were detected at concentrations exceeding MTCA Method A cleanup levels. This was the only event during which barium and chromium exceeded cleanup

standards. During quarterly monitoring events conducted from 1996 through 1999, arsenic and lead were the only contaminants detected at concentrations exceeding MTCA Method A cleanup levels. TPH-D and TPH-O were detected, but did not exceed the site specific cleanup levels of 10,000 ppb for TPH-D and 15,000 ppb for TPH-O.

Ecology issued a second 'No Further Action' determination in August 2000, stating that groundwater monitoring was no longer required at the Site.

2.5 Restrictive Covenant

The Restrictive Covenant was recorded in 1997 and required groundwater monitoring to continue at the Site due to the presence of TPH and metals in soil and groundwater. The Restrictive Covenant was amended in 2000 to eliminate the need for groundwater monitoring. The Restrictive Covenant and amendment are available as Appendix 6.4. The following limitations are found in the current Restrictive Covenant:

1. The site may only be used for industrial purposes.
2. Any activity that may interfere with the integrity of the remedial action and continued protection of human health and the environment is prohibited.
3. Any activity that may result in the release, exposure, or create a new exposure pathway is prohibited.
4. The owner or successor owner of the Site must give written notice of intent to convey any interest in the Site.
5. The owner must restrict leases to uses and activities consistent with the Covenant.
6. The owner or successor owner must notify and obtain approval from Ecology prior to any use of the Site that is inconsistent with the terms of the Restrictive Covenant.
7. The owner or successor owner shall grant Ecology the right to enter the site at reasonable times.
8. The owner or successor owner reserves the right to remove this Restrictive Covenant with Ecology's approval.

Following the amendment to the Restrictive Covenant in 2000, a new 'No Further Action' determination was issued by Ecology. This determination stated that groundwater monitoring was no longer required at the Site.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the site visit conducted on July 24, 2019, the building and asphalt cover at the Site continue to eliminate exposure to contaminated soils by ingestion and direct contact. The asphalt appears in satisfactory condition and no repair, maintenance or contingency actions have been required. The Site continues to operate as a commercial facility. A photo log is available as Appendix 6.5.

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant requires Ecology's approval prior to conducting any activities that will result in the release of contaminants at the Site. It also prohibits any use of the Property that is inconsistent with the Restrictive Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Soils with TPH concentrations higher than MTCA Method A cleanup levels are still present at the Site. However, the structures and asphalt surface prevent human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the integrity of the caps will be protected.

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

There is no new scientific information for the petroleum contaminants related to the Site.

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

The cleanup at the site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Cleanup levels changed for TPH as a result of modifications to MTCA in 2001 and contamination remains at the site above MTCA Method A cleanup levels; however, the cleanup action is still protective of human health and the environment. A table containing MTCA Method A cleanup levels relevant to the Site is located below:

Analyte	1991 MTCA Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Arsenic	20	20	5	5
Barium	NL	NL	NL	NL
Cadmium	2	2	5	5
Chromium	100	19	50	50
Lead	250	250	5	15
Mercury	1	2	2	2
Selenium	NL	NL	NL	NL
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30		1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500
NL = None listed				

3.4 Current and projected site and resource use

The Site is currently used for light industrial and commercial purposes. At the time of the remedial action and the “No Further Action” determination, the Site was used for industrial purposes. There are no changes in projected Site uses or resource uses.

Current tenants include: a motion capture production company, a construction design company, office spaces, a woodworking shop, a landscaper, a belt buckle design company, a patent sterilization company, a restaurant furniture design company, and multiple artists. Julianna Pozega Noble, the property owner and building manager, indicated that no chemicals or hazardous materials are allowed in the building.

The Restrictive Covenant requires that the Site be used for industrial purposes as defined in the City of Seattle Zoning Regulations. The property is currently zoned light industrial, which allows for commercial uses.

3.5 Availability and practicability of more permanent remedies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While more permanent remedies 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 action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- Soil and groundwater cleanup levels have not been met at the Site; however, under WAC 173-340-740(6)(f), the cleanup action was determined to comply with cleanup standards since the long-term integrity of the containment system is ensured and the requirements for containment technologies are being met.
- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances, and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be satisfactorily met. No additional cleanup actions are required by the property owner at this time. It is the property owner's responsibility to continue to inspect the site to assure that the integrity of the cap 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

ENSR. Liquid Carbonics, Inc. UST Closure Report. October 1993.

West Pac Environmental, Inc. Supplemental Information, MEA UST Closure Report. November 1993.

Summit Envirosolutions, Inc. Phase I Subsurface Investigation. March 1994.

Summit Envirosolutions, Inc. Phase II Subsurface Investigation Report. August 1995.

Summit Envirosolutions, Inc. Independent Remedial Action Report. August 1996.

Summit Envirosolutions, Inc. Results of Long-Term Groundwater Monitoring. October 1996.

Summit Envirosolutions, Inc. Results of Long-Term Groundwater Monitoring. January 1997.

Ecology. Restrictive Covenant. May 1997.

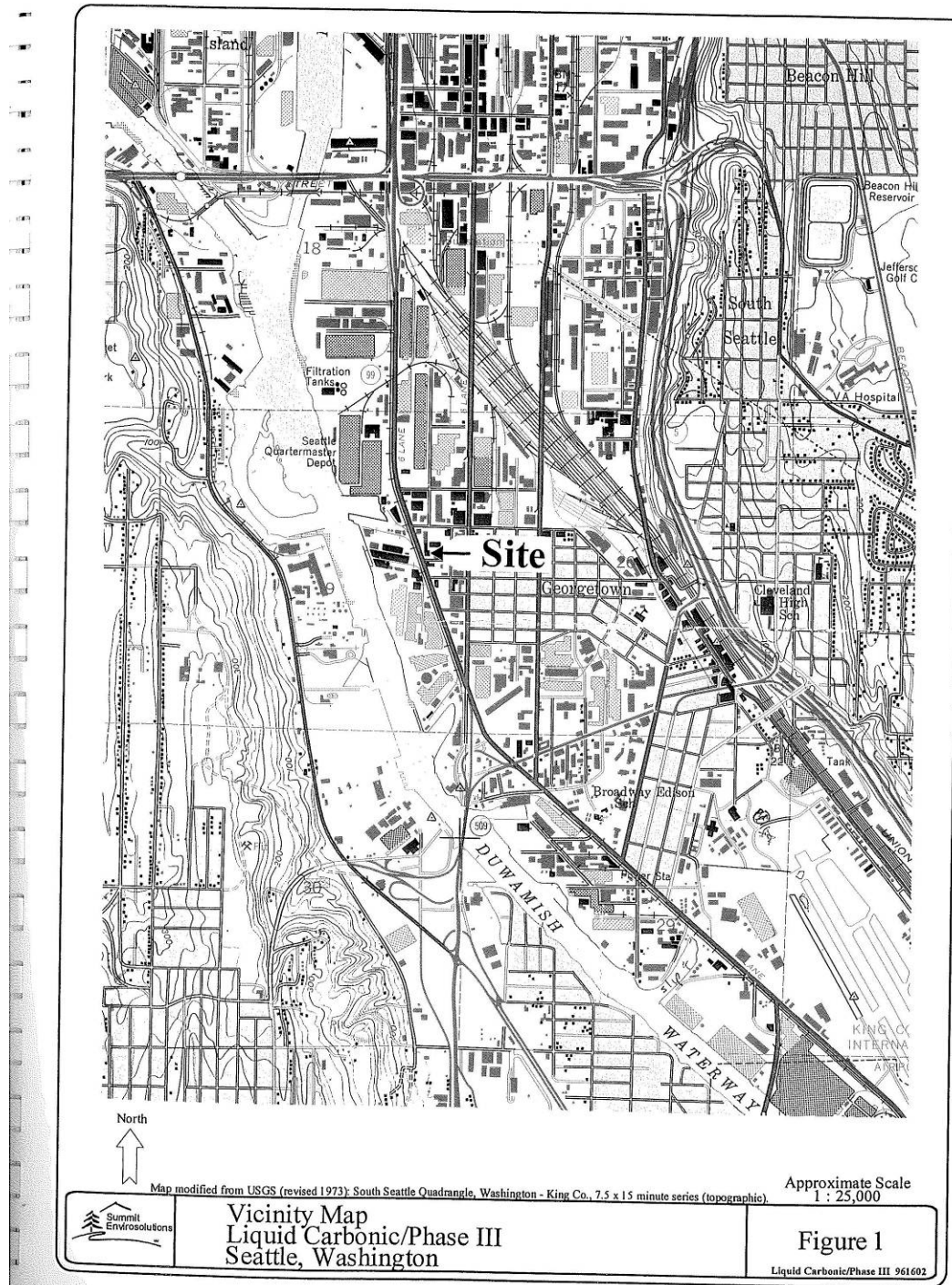
Summit Envirosolutions, Inc. Quarterly Compliance Monitoring Report. July 1999.

Ecology. Restrictive Covenant Amendment. October 2000.

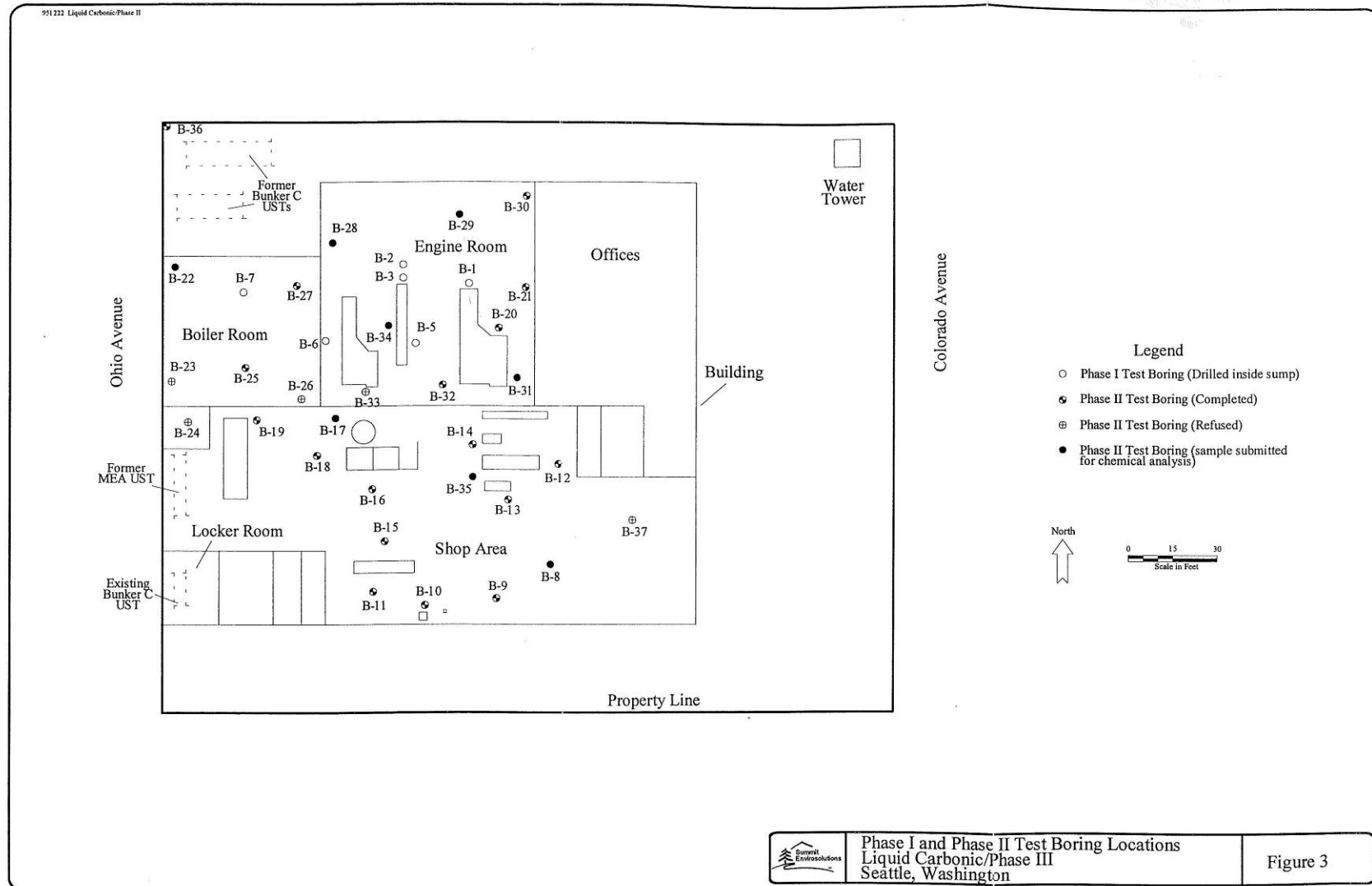
Ecology. Site Visit. July 24, 2019.

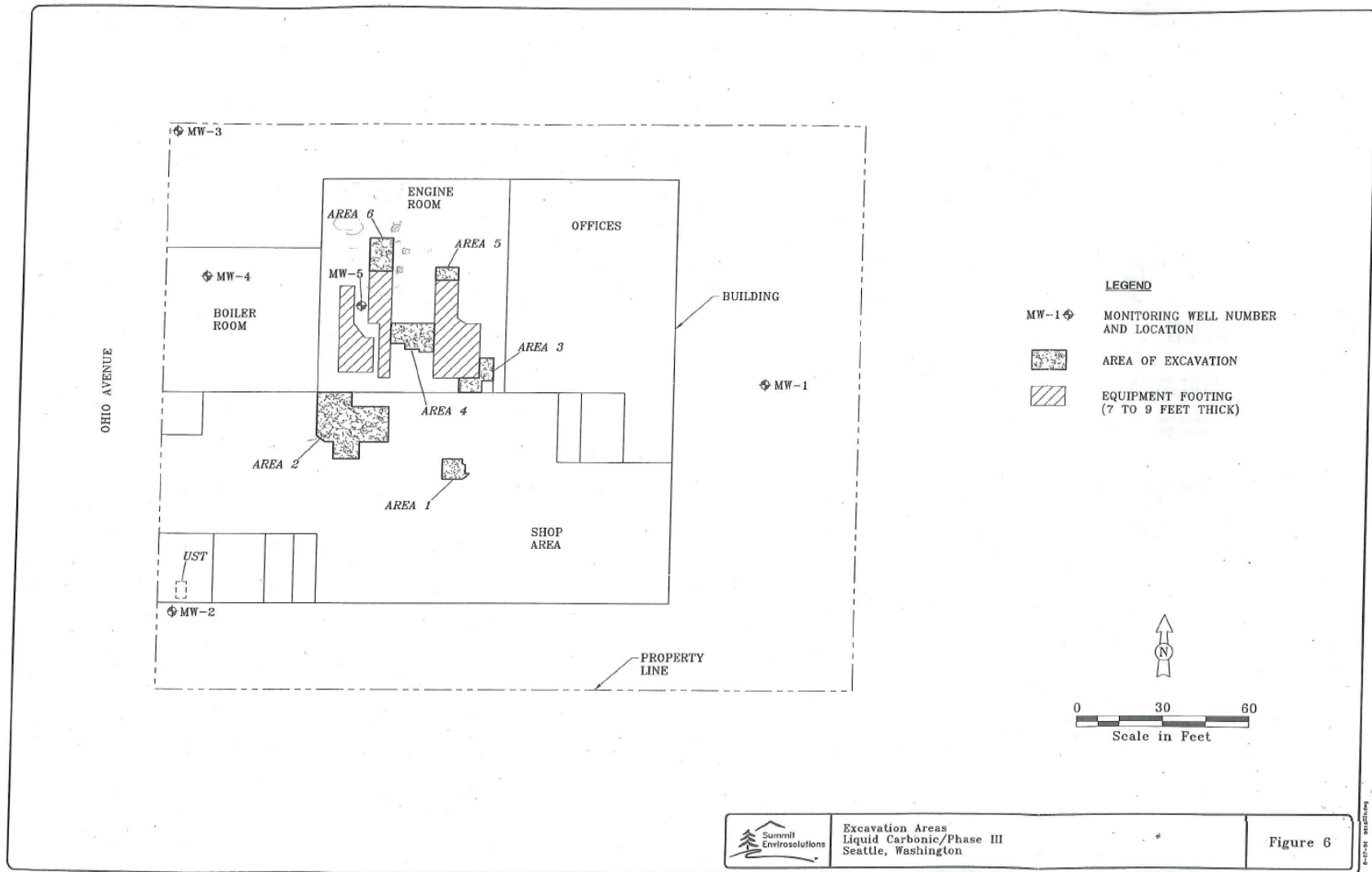
6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plans





6.3 Environmental Covenant

Praxair, Inc.
(As Successor in interest to
Liquid Carbonic Industries Corporation)
39 Old Ridgebury Road
Danbury, CT 06810

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 Liquid Carbonic Industries Corporation, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

Legal Description: Lots 4, 5, 6 and 7, Block 21, Industrial Addition, Southeast Quarter of Northeast Quarter Section 9, Township 24 North, Range 4 East, situated in City of Seattle, King County, State of Washington.

Tax Parcel I.D. #: 3573200920

RESTRICTIVE COVENANT

Liquid Carbonic Industries Corporation Property
5021 Colorado Avenue South, Seattle, Washington

An independent remedial action occurred at the property that is the subject of this Restrictive Covenant. The action undertaken to remediate the property (hereafter referred to as the "Remedial Action") is described in the following reports:

- * An October 1993 report by ENSR entitled, Liquid Carbonics, Inc. UST Closure Report, Seattle, Washington (ENSR Document No. 5017-001-100);
- * A November 20, 1993 report by West Pac Environmental, Inc. entitled Supplemental Information, MEA UST Closure Report, Liquid Carbonics, Inc.;
- * A March, 1994 report by Summit Envirosolutions, Inc. (Summit) entitled Phase I Subsurface Investigation, Liquid Carbonic/Seattle Plant;
- * An August 30, 1995 report by Summit, Phase II Subsurface Investigation Report, Liquid Carbonic Facility, Seattle, Washington;
- * A January 23, 1996 report by Summit entitled, Soil Excavation and Remediation Work Plan, Liquid Carbonic Facility 5021 Colorado Avenue South, Seattle, Washington, Summit Project No. 961602;
- * An August 20, 1996, report by Summit entitled, Independent Remedial Action Report, Liquid Carbonic Facility, 5021 Colorado Avenue South, Seattle, Washington;
- * An October 17, 1996 report by Summit entitled, Results of Long-Term Groundwater Monitoring, Liquid Carbonic Facility, Seattle, Washington, Summit Project No. 961602;
- * A January 20, 1997 report by Summit, entitled, Results of Long-Term Groundwater Monitoring, Liquid Carbonic Facility, Seattle, Washington, Summit Project 961602;

These documents are on file at the State of Washington Department of Ecology's (Ecology) Northwest Regional Office.

This restrictive covenant is required by WAC 173-340-440 because the independent Remedial Action resulted in residual concentrations of total petroleum hydrocarbons as diesel (TPH-D) and heavy oil (TPH-O) which exceed the Model Toxics Control Act Method A Cleanup level(s) for soil established under WAC 174-360-720. Residual TPH concentrations exceed site-specific cleanup levels of 600 parts per

LIQUID CARBONIC DEED RESTRICTION

May 21, 1997

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million (ppm) TPH-D and 800 ppm TPH-O at the following locations as identified in the Summit (1996) report:

- * Area 1 in the east portion of the shop area. The sample collected from the east side of the excavation contained 1,200 ppm TPH-O.
- * Area 2 in the central portion of the shop area. The sample collected from the bottom of the excavation contained 1,100 ppm TPH-D and 7,600 ppm TPH-O.
- * Area 3 in the southeast portion of the engine room. Except for one sample collected from the east side of the excavation immediately west of the stairway, and one sample collected from the extreme north side, samples from the sides and bottom of the excavation contained TPH-D concentrations ranging from 1,200 to 4,600 ppm, and TPH-O concentrations ranging from 1,900 to 30,000 ppm.
- * Area 4 in the central portion of the engine room. Samples from the bottom, north, south, and west sides of the excavation contained TPH-D concentrations ranging from 620 to 2,300 ppm, and TPH-O concentrations ranging from 3,200 to 13,000 ppm.
- * Area 5 excavation in the northeast portion of the engine room. Samples from the bottom, north, east, and west sides of the excavation contained TPH-D concentrations ranging from 650 to 1,500 ppm, and TPH-O concentrations ranging from 1,800 to 10,000 ppm.
- * Area 6 located in the northwest portion of the engine room. The sample collected from the southeast corner of the excavation contained 2,400 ppm TPH-D and 16,000 ppm TPH-O.

The locations of these samples are illustrated on Figures 7 and 8 in the Summit (1996) report.

Residual concentrations exceed site-specific cleanup levels of 600 ppm and 800 ppm TPH-O at the following locations as identified in the ENSR (1991) report:

- * The Bunker C underground storage tank excavation located in the northwest portion of the site. Samples NWB-2 collected from the northwest portion of the excavation bottom contained 630 ppm TPH-D. Sample W-1 collected from west side of the excavation contained 19,000 ppm TPH-D. Sample B-C collected near the southeast corner of the excavation contained 30,000 ppm TPH. (The TPH concentration detected in sample B-C was quantified using EPA method 418.1 which provides a combined quantification for TPH-D and TPH-O concentrations detected in the sample.)

The undersigned, Liquid Carbonic Industries Corp. (LCI Corp.), is the fee owner (Owner) of real property (hereinafter referred to as the "Property") in the County of King, State of Washington, that contains residual concentrations of hazardous substances as described above. The Property is legally described as follows:

LIQUID CARBONIC DEED RESTRICTION

May 21, 1997

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Lots 4, 5, 6, and 7, Block 21, Industrial Addition, Southeast Quarter of Northeast Quarter Section 9, Township 24 North, Range 4 East, situated in City of Seattle, King County, State of Washington.

LCI, Corp. 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.

Section 1. The site may only be used for industrial purposes as defined in and allowed under the City of Seattle Zoning Regulations codified in the City of Seattle Municipal Code as of the date of this Restrictive Covenant.

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 that may result in a release, exposure, 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, or to a Successor agency, 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 property Owner without adequate and complete provision for continued groundwater monitoring. Groundwater monitoring will be performed on a quarterly basis by the site owner and shall continue for five years. Groundwater monitoring events performed during this period shall consist of collecting one sample from each of the five existing monitoring wells and submitting the samples to an Ecology-accredited analytical laboratory for the following analyses and reporting those results to Ecology's Toxic Cleanup Program at the Northwest Regional Office.

- * TPH-D and TPH-O using Ecology method WTPH-D (extended);
- * RCRA (8) Total Metals: Arsenic, Barium, Cadmium, Chromium, Lead, Mercury, Selenium, and Silver, using United States Environmental Protection Agency (EPA) method 6010 and/or 7000 series methods; and
- * Polycyclic aromatic hydrocarbons (PAH): Benzo(a)pyrene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, and Indenopyrene (PAH), using EPA method 8310.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the property.

LIQUID CARBONIC DEED RESTRICTION

May 21, 1997

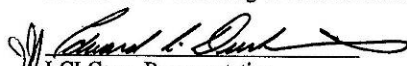
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Section 6. The Owner must notify and obtain approval from Ecology, or its successor agency, prior to any use of the property that is inconsistent with the terms of this Restrictive Covenant. Ecology or its successor agency may approve any inconsistent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

Section 7. The Owner shall allow authorized representatives of Ecology, or its successor agency, 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, and to inspect records that are related to the Remedial Action.

Section 8. The site owner may request that Ecology conduct an annual review for trend analysis of the TPH and Metals if one year of quarterly groundwater test results indicate that TPH concentrations do not exceed site-specific cleanup levels of 1.0 ppm gasoline, 10.0 ppm diesel and 15.0 ppm heavy oil nor that PAH and Metals exceed the site cleanup levels stated in Chapter 173-201A WAC (Water Quality Standards for Surface Waters of the State of Washington) and the Federal Register, 40 CFR Part 131, Water Quality Standards. In the event that this review establishes a decreasing trend of these analytes, the owner may request of Ecology a reduced frequency of groundwater monitoring from quarterly to semi-annually, and/or a reduced number of analytes or number of wells sampled. If two consecutive years of groundwater sampling show non-detect for the previous analytes, the owner may petition Ecology to cease groundwater monitoring. Failure to conduct necessary monitoring and maintenance may result in Ecology's withdrawal of this no further action determination.

Section 9. The Owner of the property and the Owner's assigns and successors in interest reserve the right under WAC 173-340-440 to record an instrument that provides that this Restrictive 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 with the consent of Ecology, or its successor agency. Ecology or its successor agency may consent to the recording of such an instrument only after public notice and comment.


LCI Corp. Representative
May 8, 1997

PRAXAIR, INC.

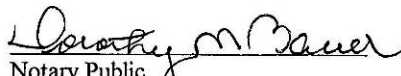
As successor in interest to
Liquid Carbonic Carbon
Dioxide Corporation and
Liquid Carbonic Industries
Corporation

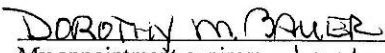
By 
Director, Corporate Real Estate

STATE OF CONNECTICUT)
)ss:
COUNTY OF FAIRFIELD)

I certify that I know or have satisfactory evidence that Edward R. Durkin is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Director, Corporate Real Estate of Praxair, Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: May 23, 1997


Notary Public


My appointment expires: 1/31/99

WASHACK.SAM/jjs

DOROTHY M. BAUER
NOTARY PUBLIC
COMMISSION EXPIRES JANUARY 31, 1999

Praxair, Inc
(As Successor in interest to
Liquid Carbonic Industries Corporation)
39 Old Ridgebury Road
Danbury, CT 06810



AMENDMENT TO RESTRICTIVE COVENANT
DATED MAY 8, 1997 BY PRAXAIR, INC

5/12
FILED BY PNWT

411655-4

This Declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030(1)(f and g), and WAC 173-340-440 by Liquid Carbonic Industries Corporation, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns

Legal Description Lots 4, 5, 6 and 7, Block 21, Industrial Addition, Southeast Quarter of Northeast Quarter Section 9, Township 24 North, Range 4 East, situated in City of Seattle, King County, State of Washington

Tax Parcel I.D. # 357320092004

2000 102 3000241

October 3, 2000

AMENDMENT TO RESTRICTIVE COVENANT
DATED MAY 8, 1997 BY PRAXAIR, INC.,
AS SUCCESSOR IN INTEREST TO LIQUID
CARBONIC CARBON DIOXIDE CORPORATION AND
LIQUID CARBONIC INDUSTRIES CORPORATION

Liquid Carbonic Industries Corporation Property
5021 Colorado Avenue South, Seattle, Washington

For and in consideration of the sum of \$10.00, and other good and valuable consideration, and based upon the authority granted by documents dated August 7, 2000, and September 28, 2000 issued by Daniel R. Cargill, Toxic Cleanup Program, State of Washington Department of Ecology, Section 8 of the Restrictive Covenant dated May 8, 1997 referenced above, is hereby deleted in its entirety. That now-deleted Section 8 provided as follows:

Section 8 The site owner may request that Ecology conduct an annual review for trend analysis of the TPH and Metals if one year of quarterly groundwater test results indicate that TPH concentrations do not exceed site-specific cleanup levels of 1.0 ppm gasoline, 10.0 ppm diesel and 15.0 ppm heavy oil nor that PAH and Metals exceed the site cleanup levels stated in Chapter 173-201A WAC (Water Quality Standards for Surface Waters of the State of Washington) and the Federal Register, 40 CFR Part 131, Water Quality Standards. In the event that this review establishes a decreasing trend of these analytes, the owner may request of Ecology a reduced frequency of groundwater monitoring from quarterly to semi-annually, and/or a reduced number of analytes or number of wells sampled. If two consecutive years of groundwater sampling show non-detect for the previous analytes, the owner may petition Ecology to cease groundwater monitoring. Failure to conduct necessary monitoring and maintenance may result in Ecology's withdrawal of this no further action determination.

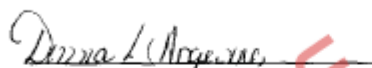
In addition, Section 4 of the Restrictive Covenant dated May 8, 1997 referenced above is also deleted in its entirety, but is replaced by the following:

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.

2000 102 3000241


David E. Angevine

PRAXAIR, INC
As successor in interest to
Liquid Carbonic Carbon
Dioxide Corporation and
Liquid Carbonic Industries
Corporation


Merle J. Angevine
Power of Attorney for
Merle J. Angevine

By 
Director, Corporate Real Estate

2000 102 3000241

Unofficial Copy

STATE OF CONNECTICUT)
) ss
COUNTY OF FAIRFIELD)

I certify that I know or have satisfactory evidence that EDWARD R. DURBIN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Director, Corporate Real Estate of Praxair, Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

Dated 10/5/00

Claudia Hamel
Notary Public

Claudia Hamel
Notary Public

My appointment expires
My Commission Expires March 31, 2002



Unofficial Copy

2006 102 3000241

STATE OF WASHINGTON)
)ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that David E Angevine is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument

Dated

October 3, 2000

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

My appointment expires 11-2-00

STATE OF WASHINGTON)
)ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Donna L Angevine is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the attorney in fact under the Power of Attorney dated September 18, 2000 of Merle J Angevine to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument

Dated

October 3, 2000

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

My appointment expires 11-2-00

2000 102 3900241

6.4 Photo log

Photo 1: East side of the building, facing northwest from Colorado Avenue South.



Photo 2: West side of the building, facing northeast from Ohio Avenue South.



Photo 3: Tenant space inside the building.



Photo 4: Tenant space inside the building.

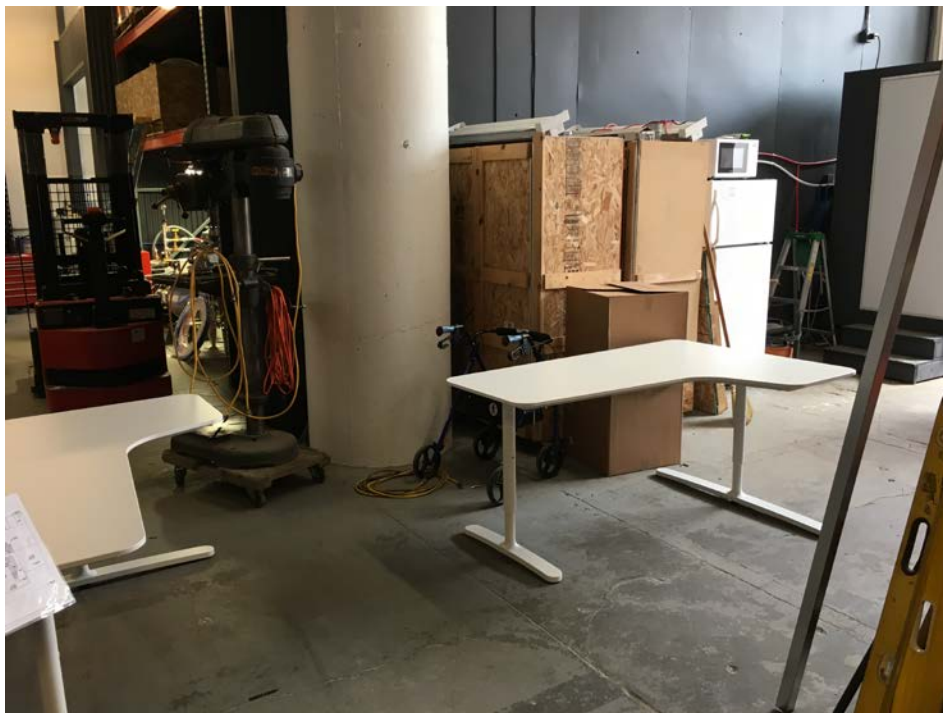


Photo 5: Tenant space inside the building.



Photo 6: Tenant space inside the building.

