



**PERIODIC REVIEW REPORT
FINAL**

**Jefferson Avenue Site
aka City Properties Cleanup
Facility Site ID# 1277004
Cleanup Site ID# 7037**

**2112-2122 Jefferson Avenue
Tacoma, Washington 98402**

**Southwest Regional Office
TOXICS CLEANUP PROGRAM**

January 2020

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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 ensure that human health and the environment are being protected at the Jefferson Avenue site aka City Properties Cleanup (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of arsenic remaining at the Site in groundwater that exceed MTCA Method A cleanup level. The MTCA Method A cleanup level for groundwater was established under WAC 173-340-720(2). 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 (NFA) opinion
- (d) And one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup.
 - 2. Where the cleanup level is based on a practical quantitation limit.
 - 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 of mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.
- (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 CONCITIONS

2.1 Site History

The Jefferson Avenue Site aka City Properties Cleanup Site is located at 2112 – 2122 Jefferson Avenue in Tacoma, Pierce County, Washington. The Site occupies approximately 3-acres with two parcel numbers designated by the Pierce County Assessor as R2021080011 and R2021090020, and situated in Section 9 of township 20 North, Range 3 East of the Willamette Meridian. Both parcels were vacant as the structures and the infrastructures have been removed in 2002. The adjacent upper lot west of the Site is approximately 8 to 10 feet higher in elevation and is supported partially by a retaining wall. The Site is located in a mixed commercial, light industrial and residential zoning area in downtown Tacoma. The Site is bounded by Jefferson Avenue to the east, South 21st Street to the north, South 23rd Street to the south, and vacant lots to the west.

Historically, various portions of the Jefferson Avenue Site have been in use since 1896. Prior to 1910, the Site, and the entire area surrounding it, was platted into city blocks of downtown Tacoma. Residential occupation dominated the land use until mid-1930s, when commercial occupation began to displace residences. The commercial uses included gas stations and automobile repair business, and a pest control company. The parcel at 2112 Jefferson Avenue was a residential until approximately 1945 when Herman's gasoline station was constructed. The building continues to serve as a motor vehicle service operation until 2000. The parcel 2122 Jefferson Avenue was vacant land until the Ostby's Used Cars business went into operation in 1930. The building was enlarged and used for vehicle sales/rentals, vehicle repairs, welding shop, and steel fabrication. As part of this operation, two gasoline underground storage tanks [(USTs), one 500-gallon and one 1,800-gallon UST], and one hoist were formerly present at the Site. Releases from these USTs and Site activities had impacted the soil and groundwater at the Site.

In October 2017, the City of Tacoma sold the property to North American Asset Management Group, LLC. Currently the property is being developed as residential units and offices. There is a temporary sedimentation pond at the corner of Jefferson Avenue and South 21st Street. On June 24, 2019, the pond was lined with high density polyethylene plastic to eliminate stormwater infiltration that could potentially affect the arsenic contaminated groundwater below the pond. A location map and a Site Plan are included as Appendix 6.1 and Appendix 6.2, respectively.

2.2 Site Geology/Hydrogeology

The Jefferson Avenue Site is located in the Puget Sound Lowlands Physiographic Region of Washington State. Upland terraces, rolling hills, and troughs create north-south ridges that characterize the general area. The Thea Foss Waterway is located approximately one mile to the east and opens to Commence Bay to the north on the Puget Sound. Elevations at the Site range from approximately 130 to 205 feet above mean sea level, increasing in height from east to west.

The primary soil type found at the Site is Vashon Till, a mixture of clay, silt, sand, pebbles, and cobbles, a material encountered in much of the Site. This soil type is poorly sorted, non-stratified, and extremely compact. Medium to low drainage and permeability, and excellent foundation stability characterize the Vashon Till. Groundwater occurs beneath the Site at 3 to 5 feet below ground surface (bgs) and groundwater flow is to the east and northeast. The flow

direction is in agreement with what would be expected, given that land in this area slopes to the east toward the Thea Foss Waterway.

2.3 Site Investigations and Cleanups

2.3.1 Phase I Environmental Site Assessment - 1999

In May 1999, Clayton Environmental Consultants (Clayton) completed a Phase I Environmental Site Assessment (ESA) at the Site for the City of Tacoma. The purpose of the Phase I ESA was to determine the presence of recognized environmental condition (REC) at the Site for a real estate transaction. The ESA identified a former automobile repair garage, an automobile sales business, and a used automobile sales business at the Site.

The Phase I ESA indicated that several floor drains were observed in a former repair garage at 2112 South Jefferson Avenue and an oil/water separator was observed in a bermed area of the on-Site parking lot at 2122 South Jefferson Avenue. The oil/water separator was suspected of being in a former car wash area. The businesses at 2112 and 2120 South Jefferson Avenue each contained a hydraulic hoist. The Phase I ESA also indicated that up to nine underground storage tanks (USTs) may have once existed at the Site on the properties at 2112 (three leaded gasoline, one diesel and one waste oil USTs) and 2122 (four USTs with unknown contents) South Jefferson Avenue. The 1999 Phase I ESA Site Features are shown on Figure 2-4 in Appendix 6.3.

2.3.2 Underground Storage Tanks Removal – 1995

In February 1995, the property owner hired Specialized Environmental Consulting, Inc. (SEC) for removing four USTs at 2112 South Jefferson Avenue. At the time, the property was the location of a car retail shop and gas station. Three 2,000-gallon and one 10,000-gallon USTs and the associated piping system were removed. Approximately 600 to 800 cubic yards of contaminated soil was excavated and stock piled on the Site. In May 1996, five soil samples were collected from the pile and analyzed for petroleum constituents. No petroleum hydrocarbons were detected in the soil samples.

2.3.3 Underground Storage Tanks and Hoist Removal, Site Assessment, and Soil Remediation – 2002

In August 2002, two USTs and one hoist were removed at the Site. The USTs were removed from 2122 South Jefferson and the hoist was removed from 2112 South Jefferson. At the time of this work, these two properties were both vacant.

In August 2002, one 500-gallon waste oil and one 1,800-gallon gasoline USTs and associated piping system were removed. The removed USTs were observed to be in good condition with minimal surface corrosion and no holes. Product release was assumed due to leak(s) from the piping. Petroleum contaminated soil was confirmed at the USTs excavation. A total of approximately 175 cubic yards of gasoline-impacted soil was removed from the UST excavation and transported off-Site for treatment and disposal. The final confirmation soil samples were collected from the excavation base and sidewalls at various depths. The results indicated that the gasoline-range total petroleum hydrocarbons (TPH-G), and benzene, toluene, ethylbenzene and xylenes (BTEX) concentrations were either non-detects or below the Model Toxics Control Act (MTCA) Method A cleanup levels.

The results of a grab water sample collected from the tank excavation showed a TPH-G, and benzene concentrations of 2,800 micrograms per liter ($\mu\text{g/L}$) and 19 $\mu\text{g/L}$, respectively. These concentrations exceeded the MTCA Method A cleanup level of 800 $\mu\text{g/L}$ and 5 $\mu\text{g/L}$, respectively.

In August 2002, an abandoned hoist was discovered at 2112 South Jefferson Avenue. The hoist was about 200 feet north of the former UST excavation. Water mixed with oil was present in the vault. Adsorbent pads were used to soak up any product on top of the water in the vault. Four test pits (TP-1 through TP-4) were excavated during the cleanup activities to define the extent of soil contamination. Product piping from a former UST was located and removed from the area. These test pits were excavated approximately 38 feet to 120 feet away from the hoist excavation area. Results of soil samples collected from TP1 and TP2 showed TPH-G concentrations of 150 mg/kg and 41 mg/kg, respectively, which exceeded the MTCA Method A cleanup level of 30 mg/kg. Approximately 220 cubic yards of petroleum impacted soil were excavated and transported off-Site for treatment and disposal. The final confirmation soil samples were collected from the excavation base and sidewalls at various depths. The results indicated that the TPH-G, and BTEX concentrations were either non-detects or below the MTCA Method A cleanup levels. An old percolation well was also discovered during these remedial activities but was not further investigated at this time. However, it was decommissioned in 2003 as described in section 2.3.5.

A grab water sample was collected from the excavation pit showed a diesel-and-oil-range total petroleum hydrocarbons (TPH-D and TPH-O) concentrations of 11,000 $\mu\text{g/L}$ and 8,600 $\mu\text{g/L}$, respectively exceeding MTCA Method A cleanup level of 500 $\mu\text{g/L}$. Locations of USTs, hoist, approximate extent of soil excavation and soil and grab water samples results are included as Appendix 6.4.

2.3.4 Subsurface Site Characterization - 2003

In April 2003, Nowicki Associates completed a subsurface Site Characterization investigation at the Site. The purpose of this investigation was to define the extent of soil and groundwater impacts from the former USTs and hoist. A total of 13 soil borings (SB1, SB1C, SB2A, and SB3 through SB12) was drilled ranging from 4 feet to 13 feet in the vicinity of former USTs and hoist excavation areas and other suspected surficial impacted locations. Based on the continues soil field screening results, 18 subsurface soil samples were collected. In addition, nine groundwater samples were collected at selected borings (SB1, SB2A, SB3 through SB8 and SB12). Groundwater was not encountered in borings SB1C, SB9, SB10 and SB11 because of their shallow depth, which ranged from 2 to 4 feet below ground surface (bgs). All soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, and BTEX compounds. A soil sample collected from SB8 was also analyzed for volatile organic compounds (VOCs) and total metals. TPH-D (23 mg/kg to 240 mg/kg) and TPH-O (129 mg/kg to 370 mg/kg) were detected in borings SB2A, SB3 and SB18, below their MTCA Method A cleanup level of 2,000 mg/kg. Analytical results of the soil sample collected from SB18 at 18 inches bgs indicated the presence of TPH-G at 280 mg/kg, which exceeded the MTCA Method A cleanup level of 30 mg/kg. None of the contaminants was detected in any other soil samples.

Analytical results of groundwater samples were all below MTCA Method A cleanup levels, with the exception of samples collected from three borings (SB3, SB5, and SB6) placed near the

former UST excavation. The TPH-D and TPH-O concentrations were detected exceeding MTCNA Method A cleanup level of 500 µg/L in the following borings:

SB3 – TPH-D: 1,300 µg/L.

SB5 – TPH-D: 1,700 µg/L and TPH-O: 870 µg/L.

SB6 – TPH-D: 5,300 µg/L and TPH-O: 3,400 µg/L.

Locations of soil borings and soil and groundwater sample results are included in Appendix 6.5.

2.3.5 Groundwater Monitoring Well Installation – 2003

In September 2003, six groundwater monitoring wells (MW-1 through MW-6) were installed at 2112 and 2122 South Jefferson Avenue. The purpose of well installation was to provide a means to monitor groundwater conditions at the Site due to the known presence of TPH-G and TPH-D in groundwater because of releases from the former USTs and hoist. During drilling, one composite soil sample was collected from 5 to 10 feet bgs from each boring, with the exception of boring MW5 in which two discrete subsurface soil samples were collected at 2 feet and 5 feet bgs. All soil samples were analyzed for TPH-G, TPH-D, and TPH-O. Samples from MW5 were additionally analyzed for BTEX compounds. All the contaminant concentrations were either below laboratory detection limits or below MTCNA Method A cleanup levels. Groundwater was not sampled at this time. Locations of groundwater monitoring wells are shown on Figure 2 in Appendix 6.6.

As a component of the above on-Site activities, a licensed well service provider decommissioned the percolation well (dry well) that was discovered previously. This percolation well was described as being 4 feet in diameter and approximately 10 feet deep. It was constructed with a 6-inch thick concrete casing having 1-inch diameter perforations. The well had a concrete rim and a steel plate at its top, which served as a cover.

2.3.6 Groundwater Monitoring – 2004 and 2005

Between March 2004 and March 2005, five rounds of groundwater monitoring was conducted at 2112 and 2122 Jefferson Avenue. These sampling events were conducted in March 2004, July 2004, October 2004, January 2005, and March 2005. All the water samples were analyzed for TPH-G, TPH-D, TPH-O, and BTEX. The only exceedance occurred during the third event in October 2004 where TPH-D was detected in MW-6 at 13,000 µg/L, which exceeded the MTCNA Method A cleanup level of 500 µg/L. However, the results of next two rounds of monitoring were all below the laboratory detection limits. The source of contamination in this well during the third round was suspected to be a surface source, such as asphalt debris and construction equipment at the Site. Groundwater monitoring well locations and groundwater sample results are included in Appendix 6.6.

2.3.7 Targeted Brownfields Assessment – 2012

In 2012, in an effort to determine whether impacts were still present at the Site identified during 2002 and 2003 investigations, Ecology & Environment (E&E) performed a Targeted Brownfields Assessment (TBA) on behalf of the Environmental Protection Agency and the City of Tacoma. In addition to the Site, the TBA included an assessment of the entire vacant city block owned by the City of Tacoma. This included the area bounded by Jefferson Avenue to the east, South 21st Street to the north, Tacoma Avenue South to the west, and South 23rd Street to the south (hereafter referred to as “city block”). Topographically this area slopes steeply from

west to east. In addition to the Site, other historical facilities identified as areas of potential concern within the city block included a former gas station, a former printer, a former car wash, and a former pest control business (Figure 2-2 in Appendix 6.7). Samples collected by E&E focused on determining whether these former operations resulted in any impacts to soil and/or groundwater, however, the majority of the focus was on the area of the Site, which is the most downgradient portion of the city block.

Initially a geophysical survey was conducted on the Site in April 2012 to determine whether any USTs or other anomalies were present. Several anomalies were identified and subsequently investigated via Test Pits 1 through 9 (Figure 4-1 in Appendix 6.7). Only some metal scraps and sections of pipe were revealed and no USTs were encountered in the Test Pits. Based on the field screening, soil samples were collected from Test Pits 6 and 9, and a water sample from turbid Test Pit 6. The soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals.

In addition to the test pits, nine soil borings (JA01 through JA05; four borings were converted into monitoring wells MW-7 through MW-10) were advanced throughout the Site and the remainder of the city block to determine the presence of contaminants associated with the former city block operations, as well as to determine whether residual contamination was still present on the Site. A total of 24 soil samples was collected from the soil borings (except MW-10) from three depth intervals, and groundwater samples were collected from all 10 monitoring wells. The majority of the soil and groundwater samples were analyzed for TPH-G, TPH-D, TPH-O, VOCs, SVOCs, PCBs, and metals. However, the three borings (JA03 through JA05) advanced in the area of the former pest control business were only analyzed for pesticides. Soil sample locations are shown on Figure 4-1 in Appendix 6.7.

A soil sample collected from 0 to 4 feet bgs in the boring MW-8 detected carcinogenic polycyclic aromatic hydrocarbons (cPAHs) concentration of 0.1296 mg/kg, which exceeded its MTCA cleanup level of 0.1 mg/kg. However, based on the statistical evaluation, this concentration was statistically in compliance with the cleanup standard. Other soil samples were all below the laboratory detection limits. Results of a turbid pit water sample collected from Test Pit #6 indicated a total lead concentration of 850 µg/L, and cPAHs concentration of 0.1296 µg/L, which exceeded their respective MTCA cleanup levels of 15 µg/L and 5 µg/L. Because of these exceedances, a groundwater monitoring well MW-9 was installed at the Test Pit #6 for conducting groundwater monitoring. The groundwater sample collected at MW-9 had a detection of arsenic above MTCA Method A cleanup level. In an effort to investigate the seemingly anomalous arsenic detection, the monitoring well was resampled for a second time and the sample was analyzed for both total and dissolved arsenic. The arsenic concentrations from all sampling events ranged from 41.1 µg/L to 48.3 µg/L, which exceeded the MTCA Method A cleanup level of 5 µg/L. Since the arsenic was not detected at any other wells at the Site, it was concluded that the source was unlikely related to a release from the Site. Since shallow groundwater in the area of the Site is typically not used as a potable source, Ecology determined that institutional controls could be used to address the localized presence of arsenic in MW-9.

2.3.8 Phase II Borehole Investigation – 2012

In February 2012, Robinson Noble completed a Phase II investigation of a former gas station in the northwest corner of the property. A total of 11 soil borings (B1 through B11) was drilled to a depth of 20 feet bgs. Groundwater was not encountered in any of the borings. One to two soil samples were collected from each boring and analyzed for TPH-G, TPH-D, TPH-O, and BTEX. No analytes were detected above the laboratory detection limits and all detection limits were below the respective MTCA Method A cleanup levels. Soil boring locations are shown on Figure 2-8 in Appendix 6.8.

2.4 Remedial Actions

In February 1995, four USTs (three 2,000-gallon and one 10,000-gallon) were removed and approximately 600 to 800 cubic yards of petroleum contaminated soil was removed, stock piled, and treated on-Site. Results of confirmation soil samples collected from bottom of the excavation and sidewalls did not indicate any contamination. The results of five stockpile samples collected in 1996 also showed no contamination.

In August and September 2002, the remaining two USTs (500-gallon and 1,800-gallon) and the hydraulic hoist were removed. All the structures were demolished prior to the Site remediation. Subsurface soils were found to be contaminated and an independent Site cleanup was performed. Approximately 175 cubic yards of petroleum hydrocarbons contaminated soil was excavated from two USTs basins. Soil samples from the sidewalls and bottom of the tanks indicated concentrations below the current MTCA Method A cleanup levels. The groundwater infiltrated into the basins was contaminated with TPH-G (2,800 µg/L) and benzene (19 µg/L) above the MTCA Method A cleanup levels of 800 µg/L and 5 µg/l, respectively.

Approximately 220 cubic yards of contaminated soil were removed from the hydraulic hoist excavation area and transported off-Site for treatment and disposal. The groundwater infiltrated into the excavation basin. Grab water samples were collected from the excavation basin for the laboratory analysis. Concentrations of TPH-D (11,000 µg/L) and TPH-O (8,600 µg/L) were above MTCA Method A cleanup level of 500 µg/L.

In September 2003, six groundwater monitoring wells (MW-1 through MW-6) were installed for determining the groundwater conditions at the Site. Between March 2004 and March 2005, five rounds of groundwater monitoring was conducted at the Site. The results of all the petroleum constituents were either below the laboratory detection limits or below MTCA Method A cleanup levels except the exceedance of TPH-D (13,000 µg/L) during the third round (October 2004) of monitoring. However, the results of next two rounds were all below the laboratory detection limits. The source of contamination in this well during the third round was suspected to be a surface source, such as asphalt debris and construction equipment at the Site.

In October 2017, the property was purchased by the North American Asset Management Group, LLC (NAAMG) from the City of Tacoma. Currently a total of 6.4-acre property (including the Site) is being developed into residential units, retail and office spaces, and parking stalls. As a part of this project all the groundwater monitoring wells were abandoned including the well MW-9 in which arsenic was detected exceeding MTCA Method A cleanup level. In addition, a stormwater retention pond was constructed on the northeast corner of the Site (near the former well MW-9) as a part of stormwater pre-treatment process. During a Site visit on May 17, 2019,

Ecology requested NAAMG to install a bottom liner to the pond for eliminating the stormwater infiltration, which could potentially affect the arsenic plume present below the pond. In addition, installation of a new groundwater monitoring well at former MW-9 for conducting the groundwater monitoring for arsenic. Per Ecology’s request, NAAMG installed a bottom liner on June 24, 2019 and a new replacement monitoring well, MW-9R was installed on July 23, 2019. Currently this well is being monitored on a quarterly basis.

2.5 Cleanup Levels

WAC 173-340-704 states that MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for this Site. The cleanup actions conducted at the Site were determined to be ‘routine’, few hazardous substances were found at the Site, and numerical standards were available for each hazardous substance. The table below presents the current MTCA Method A cleanup levels.

Table 1: MTCA Method A Soil and Groundwater Cleanup Levels

Chemical	Soil Cleanup Level (mg/kg)	Groundwater Cleanup Level (µg/L)
TPH-Gas	30/100*	800/1000*
TPH-Diesel	2,000	500
TPH-Oil	2,000	500
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000
Lead	250	15

Note: mg/kg: milligrams per kilogram
 µg/L: micrograms per liter
 *benzene present/benzene not present

2.6 Environmental Covenant

The remedial activities at the Site comprised excavation of all the contaminated soil. However, arsenic concentration exceeded MTCA Method A cleanup level in monitoring well MW-9. As a result, an Environmental Covenant (EC) was recorded for the Site on December 26, 2013 and a no further action letter was issued on February 12, 2014. The EC imposes the following limitations:

Section 1. General Restrictions and Requirements

The following general restrictions and requirements shall apply to the property:

- a. Interference with Remedial Action.** The Grantor shall not engage in any activity on the Property that may impact or interfere with the completed results of the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from Ecology.

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- b. Protection of Human Health and the Environment.** The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not limited to, any activity that results in the release of residual contamination that was contained as a part of the remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Site.
 - c. Continued Compliance Required.** Grantor shall not convey any interest in any portion of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.
 - d. Leases.** Grantor shall restrict any lease for any portion of the Property to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.
 - e. Amendment to the Covenant.** Grantor must notify and obtain approval from Ecology at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. Before approving any proposal, Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal. If Ecology approves the proposal, the Covenant will be amended to reflect the change.

Section 2. Specific Prohibitions and Requirements

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

- a. Groundwater Use.** The groundwater beneath the Property remain contaminated and shall not be extracted for a purpose other than temporary construction dewatering, investigation, monitoring or remediation. Drilling of a well for any water supply purpose is strictly prohibited. Groundwater extracted **from the Property** for any purpose shall be considered potentially contaminated and any discharge of this water shall be done in accordance with state and federal law.

Section 3. Access

- a.** The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.
- b.** The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.
- c.** No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

Section 4. Notice Requirements

- a. Conveyance of the Interest.** The Grantor, when conveying any interest **in any part of the Property**, including but not limited to title, leases, and security or other interests, must:
- i.** Notify Ecology at least thirty (30) in advance of the conveyance.
 - ii.** Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON (DATE) AND RECORDED WITH THE PIERCE COUNTY AUDITOR UNDER RECORDING NUMBER [RECORDING NUMBER]. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.
 - iii.** Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.
- b. Reporting Violations.** Should the Grantor become aware of any violation of this Covenant, Grantor shall promptly report such violation to Ecology.
- c. Emergencies.** For any emergency or significant change in the site conditions due to Acts of Nature (for example, flood, fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor must notify Ecology of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.
- d.** Any required written notice, approval, or communications shall be personally delivered or sent by first class mail. Any change in this contact information shall be submitted in writing to all parties to this Covenant.

Section 5. Modification or Termination

- a.** If the conditions at the Site requiring a Covenant have changed or no longer exist, then the Grantor may submit a request to Ecology that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in Chapter 64.70 RCW and Chapter 70.105D RCW and any rules promulgated under these chapters.
- b.** By signing this agreement, per RCW 64.70.100, the original signatories to this agreement, other than Ecology, agree to waive all rights to sign amendments to and termination of this Covenant.

Section 6. Enforcement and Construction

- a.** This Covenant is being freely and voluntarily granted by the Grantor.
- b.** Grantor shall provide Ecology with an original signed Covenant and proof of recording within ten (10) days of execution of this Covenant.

- c.** Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including Chapter 70.105D RCW and Chapter 64.70 RCW. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.
- d.** The Grantor, upon request by Ecology, shall be obligated to pay for Ecology's costs to process a request for any modifications or termination of this Covenant and any approval required by this Covenant.
- e.** This Covenant shall be liberally construed to meet the intent of the Model Toxics Control Act, chapter 70.105D RCW and Uniform Environmental Covenant Act, chapter 64.70 RCW.
- f.** The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to a person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstances is not affected and shall continue in full force and effect as though such void provision had not been contained herein.
- g.** A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

The Environmental Covenant is available as Appendix 6.9.

3.0 PERIODIC REVIEW

3.1 Effectiveness of Completed Cleanup Actions

Ecology conducted a Site visit on May 17, 2019. The Site was being developed as residential units, retail and office spaces, and parking stalls. During the remedial action, all the contaminated soil was removed and no soil contamination is present at the Site. However, arsenic concentration was above the MTCA Method A cleanup level in one monitoring well (MW-9) located at northeast corner of the Site. As discussed in Section 2.4, as part of the property development a stormwater retention and preliminary treatment pond was constructed at the northeast corner of the Site where the arsenic contamination was present. Per Ecology's request, a bottom liner was installed in the pond to eliminate the stormwater infiltration and a new groundwater monitoring well (MW-9R) was installed to replace the former monitoring well MW-9 for groundwater monitoring. Currently the new groundwater monitoring well is being monitored on a quarterly basis for arsenic. A photo log is available as Appendix 6.10.

The EC for the Site was recorded and is in place. This EC prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This EC serves to assure the long term property use and integrity of the property surface.

3.2 New Scientific Information for Individual Hazardous Substances for Mixtures Present at the Site

Cleanup levels at the Site were based on regulatory standards rather than calculated risk for chemicals and/or media. These standards were sufficient to be protective of Site-specific conditions.

3.3 New Applicable State and Federal Laws for Hazardous Substances Present at the Site

The Model Toxics Control Act cleanup levels have not changed since the no further action determination letter was issued for the Site on February 12, 2014.

3.4 Current and Projected Site Use

The Site is currently is being developed for residential and commercial purposes. This use is not likely to have a negative impact on the risk posed by hazardous substances contained at the Site.

3.5 Availability and Practicability of Higher Preference Technologies

The remedy implemented included the excavation and off-Site disposal of all the contaminated soils and it continues to be protective of human health and the environment (with groundwater monitoring of one well for arsenic). While higher preference cleanup technologies 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 actions 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 cleanup actions completed at the Site are continue to be protective of human health and the environment.
- The groundwater cleanup level has not been met at the Site for arsenic at one location (former monitoring well MW-9). In August 2019, a new monitoring well was installed to replace the former MW-9 and quarterly groundwater monitoring is being conducted at the Site.
- The EC for the property is in place and will be effective in protecting public health from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this review, Ecology has determined that the requirements of the Environmental Covenant have been satisfactorily completed. No additional remedial action is necessary at this time. It is the property owner's responsibility to continue to inspect the Site and conduct groundwater monitoring at the Site.

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

Ecology and Environment, Inc. Targeted Brownfields Assessment Report, Jefferson Avenue Site. January 2013.

Department of Ecology. No Further Action Letter, 2112 – 2122 Jefferson Avenue Site (aka City Properties Cleanup), Tacoma, Washington. February 12, 2014.

Environmental Covenant. Number 201312260516, dated 12/26/2013, Pierce County, Washington. Grantor: City of Tacoma.

Tacoma Pierce County Health Department. Underground Storage Tank Removal: Site Closure Determination, 2112 Jefferson Avenue, Tacoma, Washington, Parcel Number: 2021080011. February 14, 2013.

Department of Ecology. Letter to Mr. Rae Bailey (City of Tacoma Public Works Department) from Scott Rose (Ecology). RE: Further Action Determination Letter, dated May 15, 2006.

City of Tacoma. Transmittal of Site Remediation Reports, 2112-2122 Jefferson Avenue. April 26, 2006.

Nowicki Associates. 4th Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington. April 5, 2005.

Nowicki Associates. 4th Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington. February 4, 2005.

Nowicki Associates. 3rd Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington. November 16, 2004.

Nowicki Associates. 2nd Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington. July 29, 2004.

Nowicki Associates. 1st Quarter Groundwater Monitoring Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington. April 14, 2004.

Nowicki Associates. Groundwater Monitoring Well Installation Report, 2112 & 2122 South Jefferson Avenue, Tacoma, Washington. September 9, 2003.

Nowicki Associates. Subsurface Site Characterization Report, 2112-2122 South Jefferson Avenue, Tacoma, Washington. April 25, 2003.

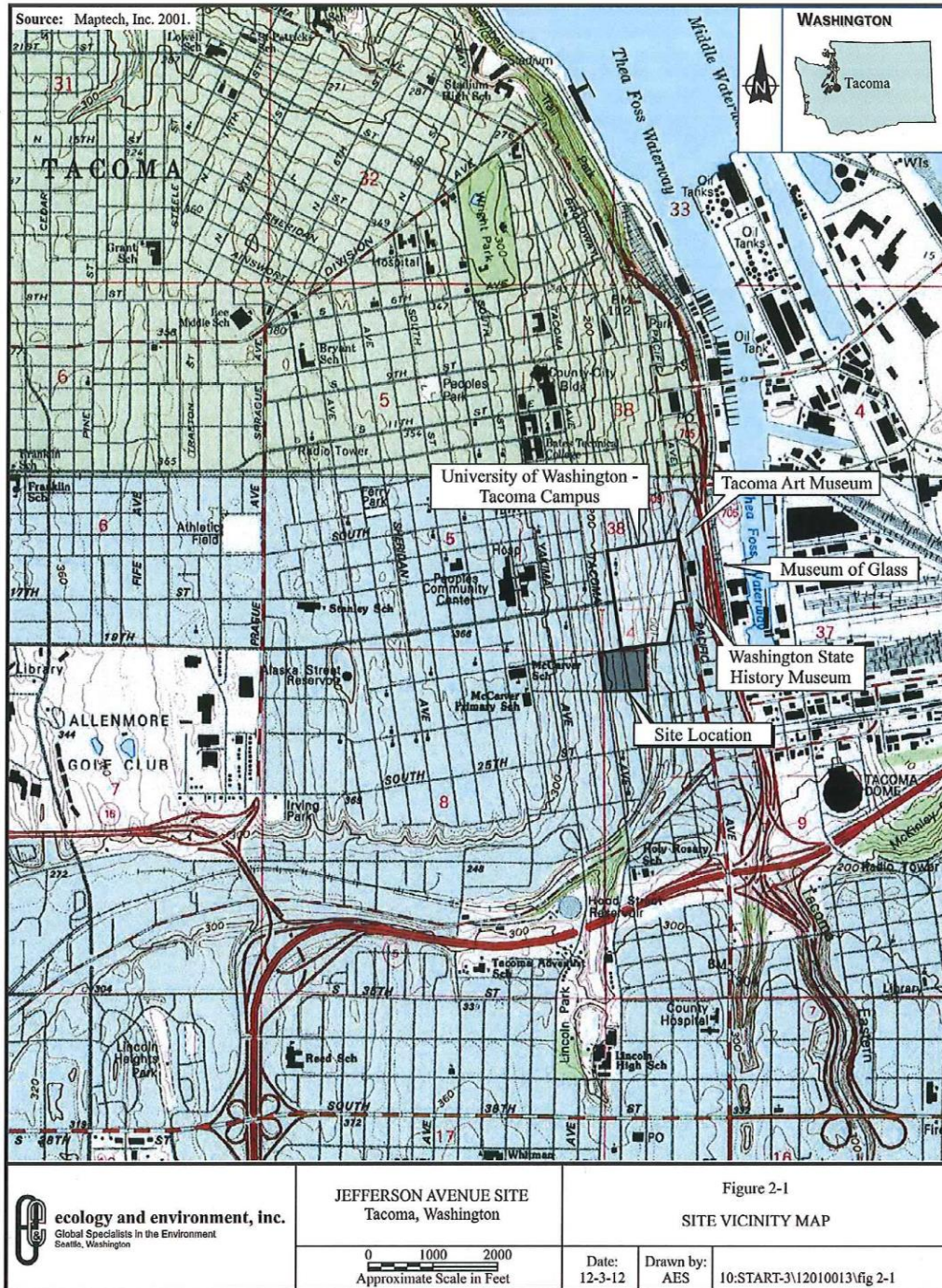
Robinson Noble Saltbush, Inc. Subsurface Investigation Activities Report, 1401 Sprague Avenue, Tacoma, Washington. June 7, 2007.

Clayton Environmental Consultants. Phase I Environmental Site Assessment, 2112 – 2122 South Jefferson Avenue, Tacoma, Washington. May 1999.

Department of Ecology. Site Visit May 17, 2019.

6.0 APPENDICES

6.1 Location Map



6.2 Site Plan



ecology and environment, inc.
 Global Specialists in the Environment
 Seattle, Washington

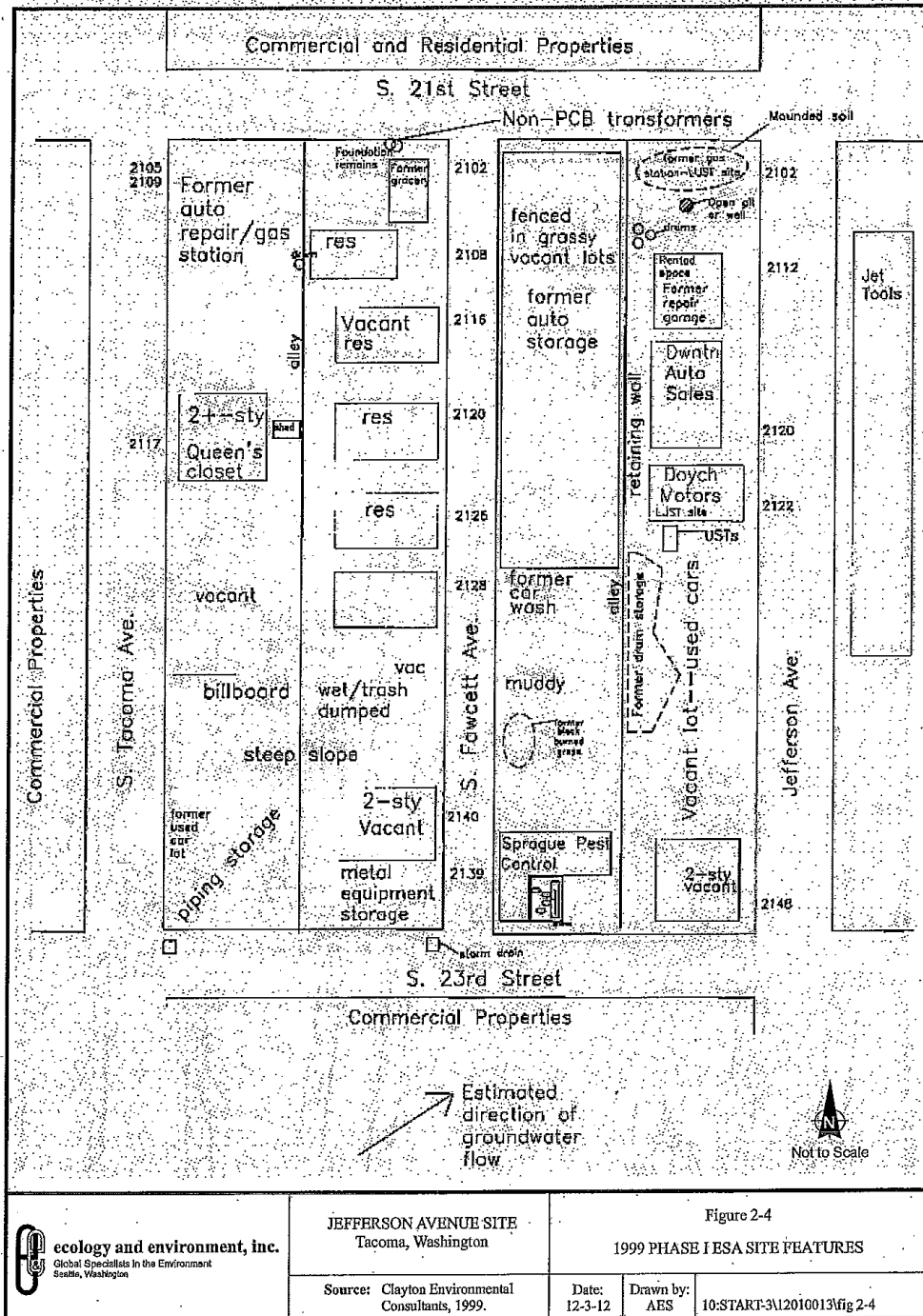
JEFFERSON AVENUE SITE
 Tacoma, Washington

Figure 2-2
 SITE MAP

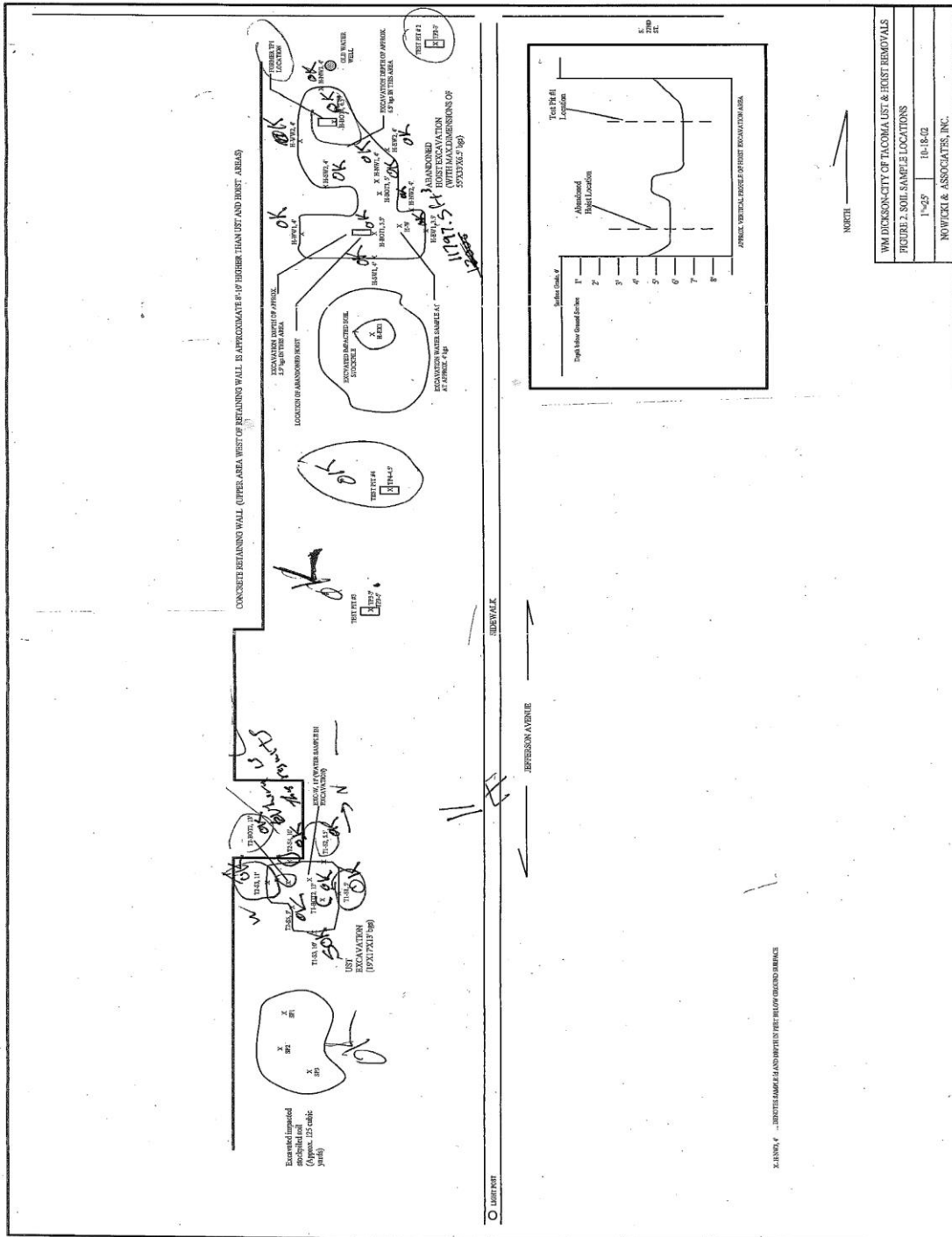
Date: 12/3/12
 Drawn by: AES

10:START-3\12010013\fig 2-2

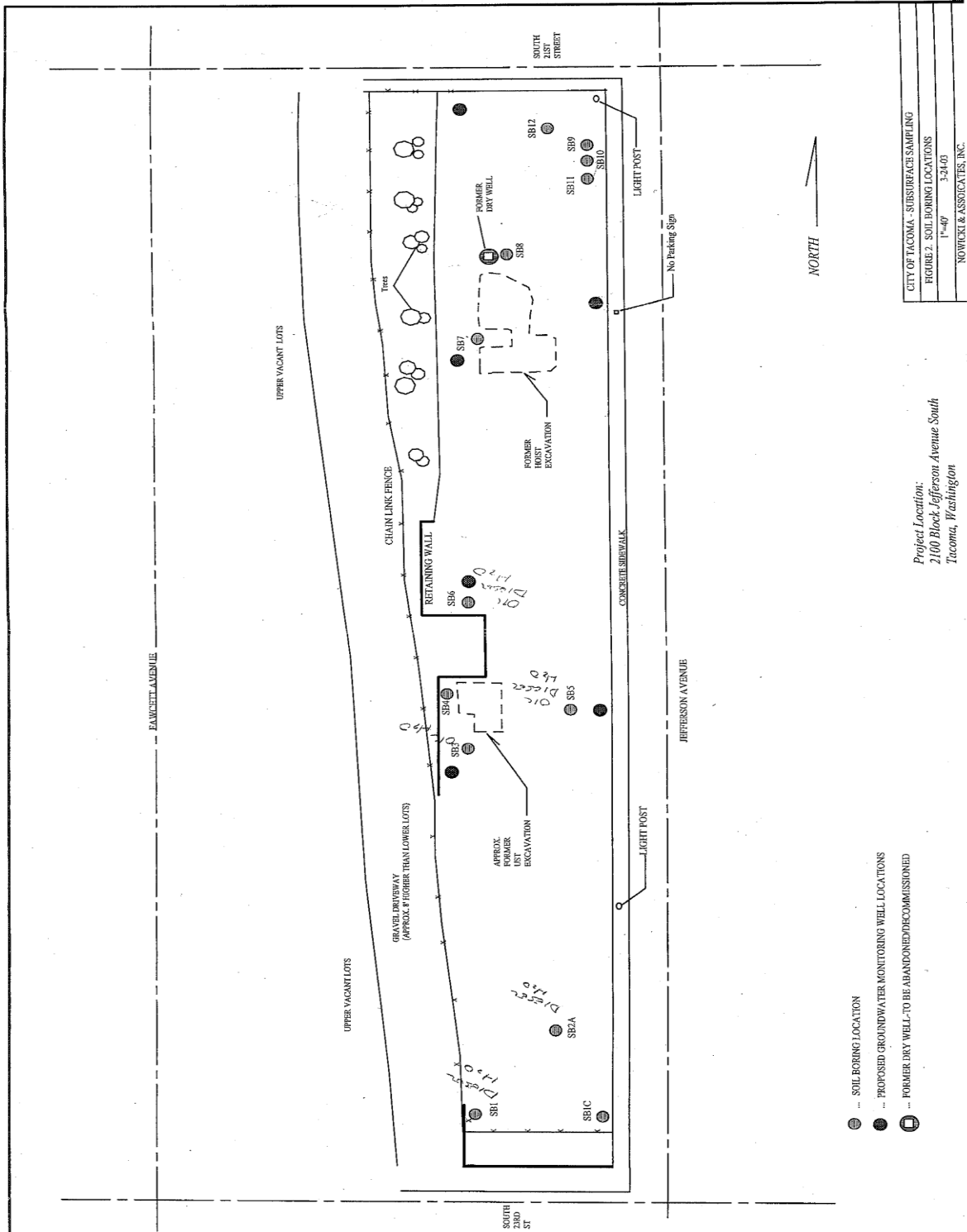
6.3 1999 Phase I Environmental Site Assessment Features

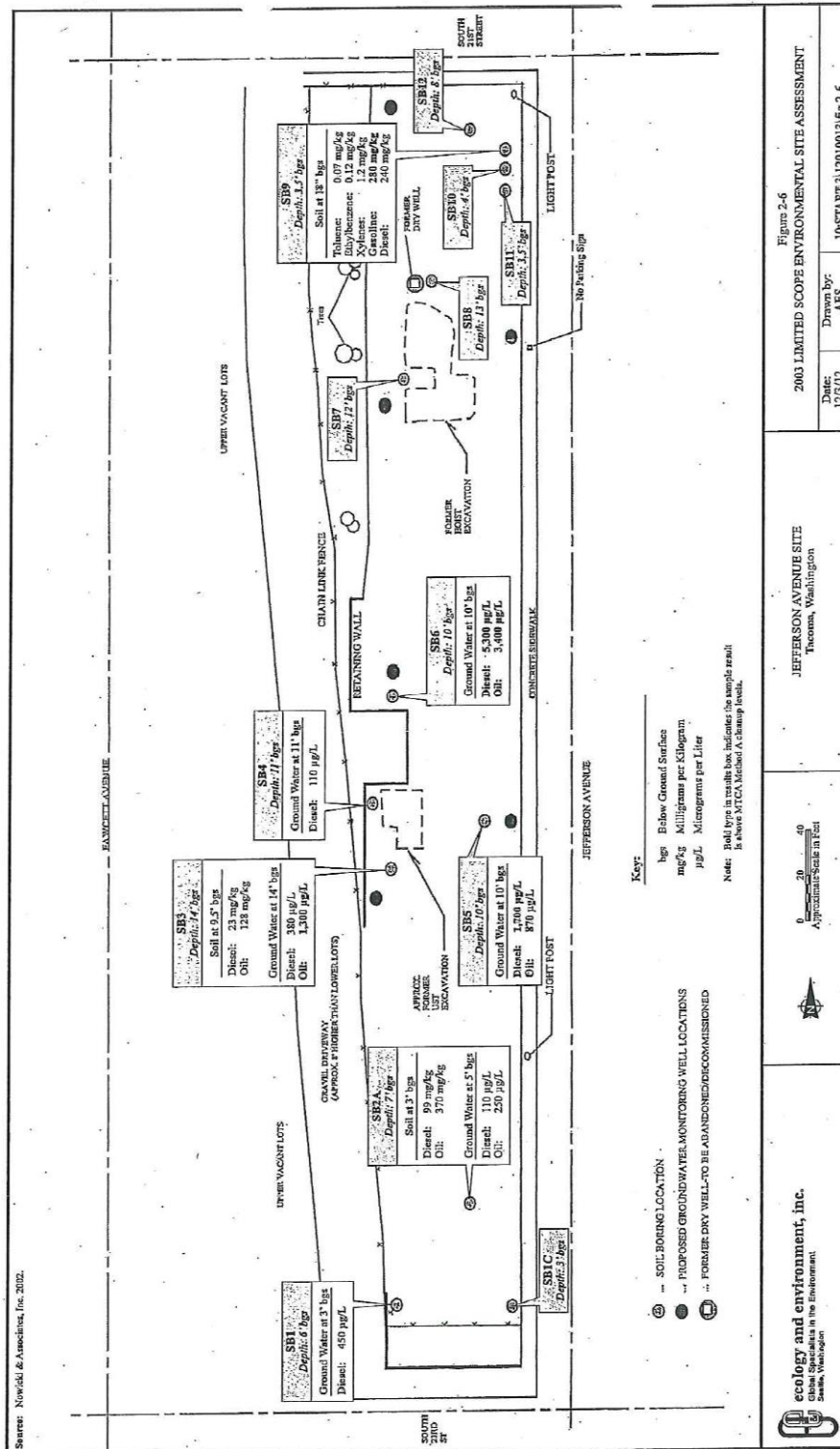


6.4 Locations of USTs, Hoist, Approximate Extent of Contaminated Soil Excavation, and Soil and Grab Water Sample Results



6.5 Locations of Soil Borings and Soil and Groundwater Sample Results





ecology and environment, inc.
 10000 1st Avenue, Seattle, WA 98108
 Phone: 206.469.1000
 Fax: 206.469.1001
 www.ecologyandenvironment.com

Jefferson Avenue Site
 Tacoma, Washington

2003 LIMITED SCOPE ENVIRONMENTAL SITE ASSESSMENT

Figure 2-6
 Date: 12/5/12
 Drawn by: AES
 10:STATE-3\12010013\fig 2-5

Table 2. Summary of Analytical Data from Hoist Excavation
 Soil concentrations are expressed in mg/Kg and Water in ug/L.

Sample ID	Collection Date	Description	Benzene	Toluene	Ethylbenz	Xylenes	TPH-Gas	TPH-Diesel	TPH-Oil
SB1-5'	3-18-03	Soil from SB1 at 5' bgs. Grey silty sand	-	-	-	-	nd	nd	nd
SB1C-3'	"	Soil at SB1C at 3' bgs. Grey silty sand	-	-	-	-	nd	nd	nd
SB2A-3"	"	Soil at SB2A at 3" bgs. Dark brown/black gravelly sand	-	-	-	-	nd	99	370
SB2A-4'	"	Soil boring at 2A at 4' bgs. Grey gravelly silt	-	-	-	-	nd	nd	nd
SB2A-7'	"	Soil at SB2A at 7' bgs. Grey gravelly silty sand	-	-	-	-	nd	nd	nd
SB3-9.5'	"	Soil at SB3 at 9.5' bgs. Wet grey silty sand	nd	nd	nd	nd	nd	23	129
SB3-10.5'	"	Soil at SB3 at 10.5' bgs. Damp silty sand	nd	nd	nd	nd	nd	nd	nd
SB4-9'	"	Soil at SB4 at 9' bgs. Wet grey silty sand	nd	nd	nd	nd	nd	nd	nd
SB5-10'	"	Soil at SB5 at 10' bgs. Wet grey gravelly silty sand	nd	nd	nd	nd	nd	nd	nd
SB6-8'	"	Soil at SB6 at 8' bgs. Wet grey gravelly silty sand	nd	nd	nd	nd	nd	nd	nd
SB7-4'	"	Soil at SB7 at 4' bgs. Wet grey sand	nd	nd	nd	nd	nd	nd	nd
SB8-12**	"	Soil at SB8 at 12' bgs. Wet grey sand	nd	nd	nd	nd	nd	nd	nd
SB9-18"	"	Soil at SB9 at 18" bgs. Grey silt	nd	0.07	0.12	1.2	280	240	nd

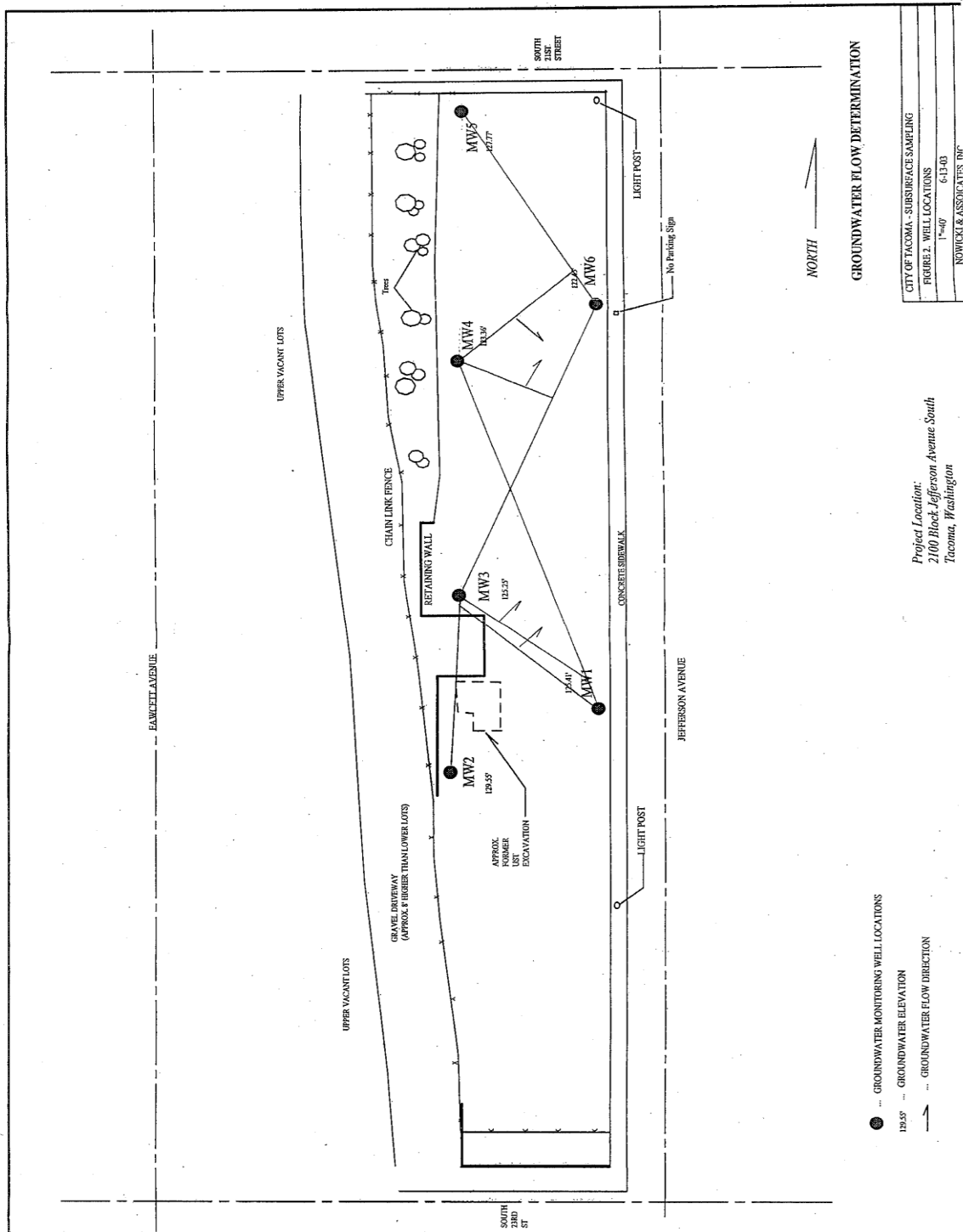
Table 1 Continued

Sample ID	Collection Date	Description	Benzene	Toluene	Ethylbenz	Xylenes	TPH-Gas	TPH-Diesel	TPH-Oil
SB9-3.5'	"	Soil at SB9 at 3.5' bgs. Grey brown silty sand	nd	nd	nd	nd	nd	-	-
SB10-18"	"	Soil at SB10 at 18" bgs. Grey silt	nd	nd	nd	nd	nd	nd	nd
SB11-18"	"	Soil at SB11 at 18" bgs. Grey silt	nd	nd	nd	nd	nd	nd	nd
SB12-3'	"	Soil at SB12 at 3' bgs. Grey silty sand	nd	nd	nd	nd	nd	nd	nd
SB12-8'	"	Soil at SB12 at 8' bgs. Brown gravelly sand	nd	nd	nd	nd	nd	nd	nd
SB1-W	"	Groundwater at SB1	nd	nd	nd	nd	nd	450	<250
SB2A-W	"	Groundwater at SB2A	nd	nd	nd	nd	nd	110	250
SB3-W	"	Groundwater at SB3	nd	nd	nd	nd	nd	380	1,300
SB4-W	"	Groundwater at SB4	nd	nd	nd	nd	nd	110	<250
SB5-W	"	Groundwater at SB5	<5*	<5*	<5*	<5*	<250*	1,700	870
SB6-W	"	Groundwater at SB6	<5*	<5*	<5*	<5*	<250*	5,300	3,400
SB7-W	"	Groundwater at SB7	nd	nd	nd	nd	nd	-	-
SB8-W	"	Groundwater at SB8	<5*	<5*	<5*	<5*	<250*	-	-
SB12-W	"	Groundwater at SB12	<5*	<5*	<5*	<5*	<250*	<150*	<750*
	-	Method Detection Limit							
		Soil (mg/Kg)	0.02	0.02	0.02	0.02	1	10	50
		Water (ug/L)	1	1	1	1	50	50	250
	-	MTCA Method A cleanup level							
		Soil (mg/Kg)	0.03	7	6	9	100	2,000	2,000
		Water (ug/L)	5	1,000	700	1,000	800	500	500

nd ... Denotes non-detect below method detection limit
 - ... Denotes not analyzed or not available
 * ... Method detection limits were raised due to sample dilution
 ** ... Sample was non-detect or detected with trace levels of heavy metals including, As, Ba, Cd, Pb, Se, and Hg. In addition, sample was non-detect for volatile organic compounds by EPA Method 8260B (See attached laboratory report).

Wm Dickson - City of Tacoma
 Subsurface Site Characterization
 Nowicki & Associates, Inc. April 25th, 2003

6.6 Groundwater Monitoring Well Locations and Groundwater Monitoring Results



March 2004 Sampling Event groundwater Data
 All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1		<50	61	<260
MW2		<50	<50	<250
MW3		<50	78	<260
MW4		160	84	<270
MW5		<50	55	<270
MW6		<50	<60	<290
-	Method Detection	50	50	250
-	MTCA Method A level	800	500	500

July 2004 Sampling Event Groundwater Data
 All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1			<50	<250
MW2			<50	<250
MW3			170	<250
MW4			330	<250
MW5			<50	<250
MW6			<50	<250
-	Method Detection	50	50	250
-	MTCA Method A level	800	500	500

October 2004 Sampling Event Groundwater Data
 All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1			<250	<250
MW2			<250	<250
MW3				
MW4			<250	<250
MW5				
MW6			13,000	<250
-	Method Detection	50	250	250
-	MTCA Method A level	800	500	500

Table 2. Groundwater Data
 EPA Method 8260B Volatile Compounds
 All concentrations are expressed in µg/L (ppb)

Sample ID	Benzene	Toulene	Ethylbenzene	m,p-Xylene	o-Xylene
MW-1	<1	<1	<1	<2	<1
MW-2	<1	<1	<1	<2	<1
MW-3	<1	<1	<1	<2	<1
MW-4	<1	<1	<1	<2	<1
MW-5	<1	<1	<1	<2	<1
Method Detection	<1	<1	<1	<2	<1

January 2005 Sampling Event Groundwater Data
 All concentrations are expressed in µg/L

Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1		<50	<250	<250
MW2		<50	<250	<250
MW3		Not Tested	Not Tested	Not Tested
MW4		Not Tested	Not Tested	Not Tested
MW5		Not Tested	Not Tested	Not Tested
MW6		<50	<250	<250
-	Method Detection	50	250	250
-	MTCA Method A level	800	500	500

Table 2. Groundwater Data
 EPA Method 8260B Volatile Compounds
 All concentrations are expressed in µg/L (ppb)

Sample ID	Benzene	Toulene	Ethylbenzene	m,p-Xylene	o-Xylene
MW-1	<1	<1	<1	<3	<1
MW-2	<1	<1	<1	<3	<1
MW-3					
MW-4					
MW-5					
Method Detection	<1	<1	<1	<3	<1

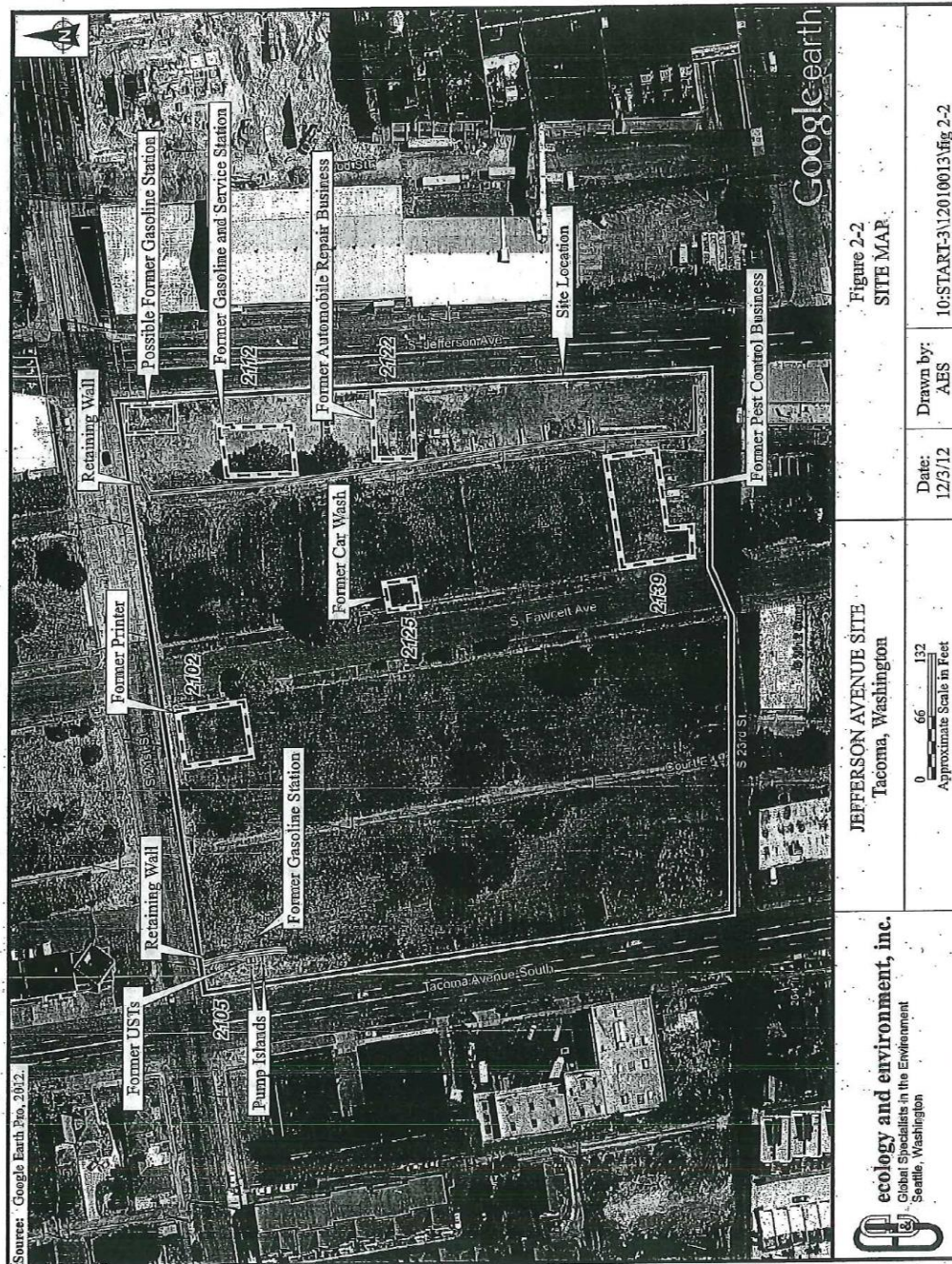
March 2005 Sampling Event Groundwater Data
 All concentrations are expressed in µg/L

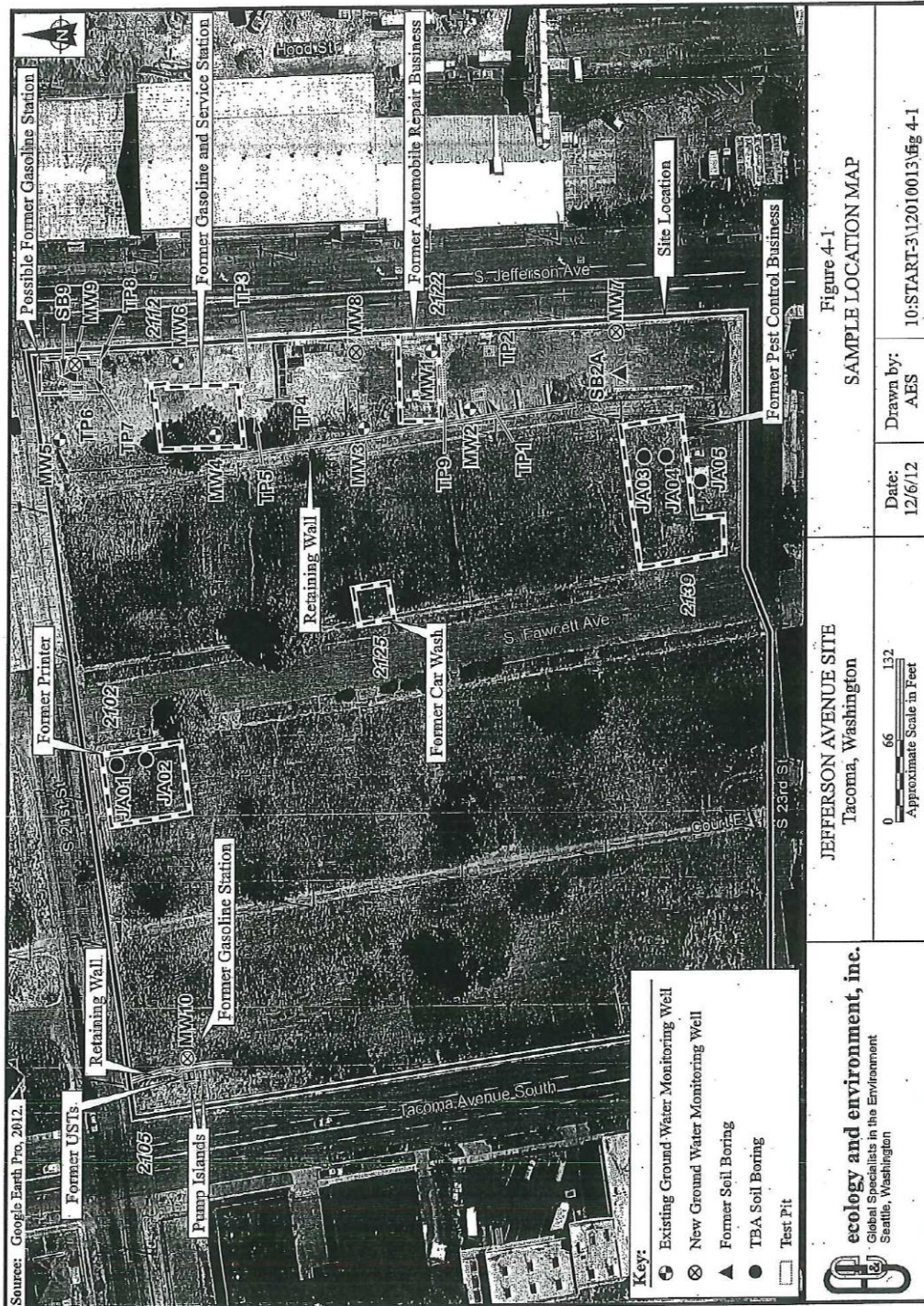
Sample ID		TPH-Gas	TPH-Diesel	TPH-Oil
MW1			<250	<250
MW2			<250	<250
MW3			<250	<250
MW4			<250	<250
MW5			<250	<250
MW6			<250	<250
-	Method Detection	50	250	250
-	MTC A Method A level	800	500	500

Table 2. Groundwater Data
 EPA Method 8260B Volatile Compounds
 All concentrations are expressed in µg/L (ppb)

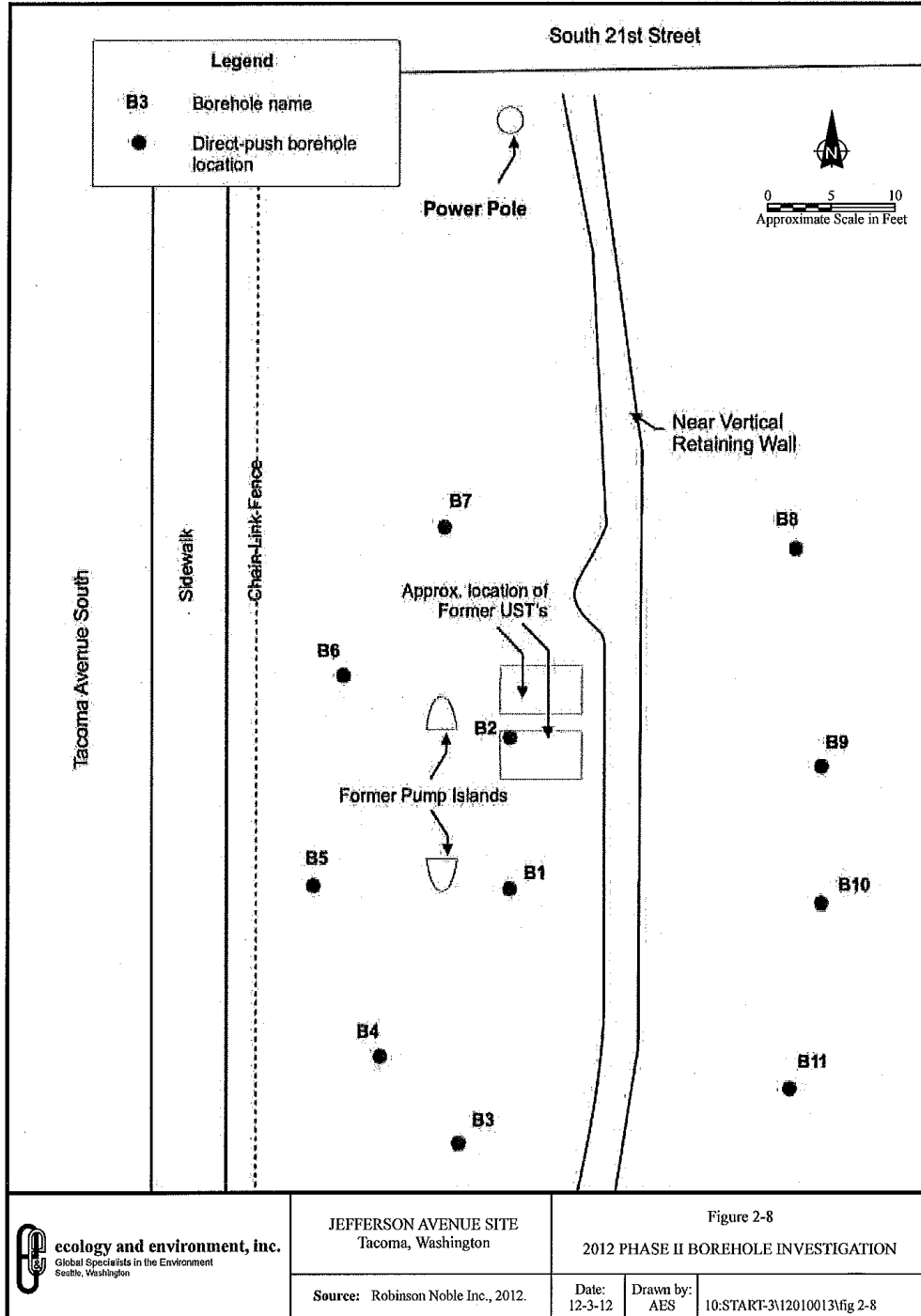
Sample ID	Benzene	Toulene	Ethylbenzene	Total Xylenes	Gasoline Range
MW-1	<1	<1	<1	<3	<50
MW-2	<1	<1	<1	<3	<50
MW-3	<1	<1	<1	<3	<100
MW-4	<1	<1	<1	<3	<100
MW-5	<1	<1	<1	<3	<100
MW-6	<1	<1	<1	<3	<50
Method Detection	<1	<1	<1	<3	**

**6.7 Target Brownfields Assessment: Old Site Plan/ Locations of Historical Facilities;
 Areas of Potential Concerns**





6.8 2012 Borehole Investigation: Soil Boring Locations



6.9 Environmental Covenant

CONFORMED COPY

201312260516 RJOHNSO 9 PGS
12/26/2013 03:57:48 PM \$80.00
AUDITOR, Pierce County, WASHINGTON

When Recorded, Return To:

City of Tacoma
Real Property Services
747 Market Street, Room 737
Tacoma, WA 98402

AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING UN-
SATISFACTORY IN A PORTION OF THIS INSTRU-
MENT WHEN RECEIVED

DOCUMENT TITLE ENVIRONMENTAL COVENANT No. A-406	COPY
Grantors City of Tacoma	
Grantees State of Washington, Department of Ecology	
Legal Description - Portion of SW1/4 of Section 4 and NW1/4 of Section 9, Township 20 North, Range 3 East, W.M.	
Reference Number	
Assessor's Parcel Number 2021080011	

RECEIVED

DEC 12 2013

WA State Department
of Ecology (SWRO)

After Recording Return
Original Signed Covenant to:
Scott Rose
Toxics Cleanup Program
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Environmental Covenant

Grantor: City of Tacoma, Washington
Grantee: State of Washington, Department of Ecology
Brief Legal Description: A portion of the SW1/4 of Section 04 and NW1/4 of Section 09,
Township 20 North, Range 03 East, W.M.
Tax Parcel Nos.: a portion of 2021080011

RECITALS

- a. This document is an environmental (restrictive) covenant (hereafter "Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70.105D RCW and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW.
- b. The Property that is the subject of this Covenant is part of a site commonly known as **Jefferson Avenue Site (aka City Properties Cleanup), Facility Site No. 1277004, VCP Project No. SW1315**. The Property within the Jefferson Avenue Site that is subject to this Covenant is legally described in Exhibit A, and illustrated in Exhibit B, both of which are attached (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.
- c. The Property was the subject of remedial action under MTCA. This Covenant is required because residual contamination remains on the Property after completion of remedial actions. Specifically, the following principal contaminants remain on the Property:

Medium	Principal Contaminants Present
Soil	
Groundwater	Arsenic
Surface Water/Sediment	

- d. It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through the Washington State Department of Ecology. **This includes the following document: Jefferson Avenue Site Targeted Brownfields Assessment, Technical Direction Document: 12-01-0013 (January 2013) Prepared by Ecology and Environment for the U.S. Environmental Protection Agency.**

- e. This Covenant grants the Washington State Department of Ecology, as holder of this Covenant, certain rights specified in this Covenant. The right of the Washington State Department of Ecology as a holder is not an ownership interest under MTCA, Chapter 70.105D RCW or the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") 42 USC Chapter 103.

COVENANT

The City of Tacoma, Washington, as Grantor and fee simple owner of the Property hereby grants to the Washington State Department of Ecology, and its successors and assignees, (hereafter "Ecology") the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall run with the land and be binding on all current and future owners of any portion of, or interest in, the Property.

Section 1. General Restrictions and Requirements.

The following general restrictions and requirements shall apply to the Property:

- a. **Interference with Remedial Action.** The Grantor shall not engage in any activity on the Property that may impact or interfere with the completed results of the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from Ecology.
- b. **Protection of Human Health and the Environment.** The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not limited to, any activity that results in the release of residual contamination that was contained as a part of the remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Property.
- c. **Continued Compliance Required.** Grantor shall not convey any interest in any portion of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.
- d. **Leases.** Grantor shall restrict any lease for any portion of the Property to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.
- e. **Amendment to the Covenant.** Grantor must notify and obtain approval from Ecology at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. Before approving any proposal, Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal. If Ecology approves the proposal, the Covenant will be amended to reflect the change.

Section 2. Specific Prohibitions and Requirements.

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

a. Groundwater Use. The groundwater beneath the Property remains contaminated and shall not be extracted for any purpose other than temporary construction dewatering, investigation, monitoring or remediation. Drilling of a well for any water supply purpose is strictly prohibited. Groundwater extracted from the Property for any purpose shall be considered potentially contaminated and any discharge of this water shall be done in accordance with state and federal law.

Section 3. Access.

a. The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.

b. The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.

c. No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

Section 4. Notice Requirements.

a. Conveyance of Any Interest. The Grantor, when conveying any interest in any part of the Property, including but not limited to title, easement, leases, and security or other interests, must:

- i. Notify Ecology at least thirty (30) days in advance of the conveyance.
- ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [DATE] AND RECORDED WITH THE PIERCE COUNTY AUDITOR UNDER RECORDING NUMBER [RECORDING NUMBER]. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.

- iii. Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

b. Reporting Violations. Should the Grantor become aware of any violation of this Covenant, Grantor shall promptly report such violation to Ecology.

c. Emergencies. For any emergency or significant change in site conditions due to Acts of Nature (for example, flood, fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor

must notify Ecology of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

d. Any required written notice, approval, or communication shall be personally delivered or sent by first class mail to the following persons. Any change in this contact information shall be submitted in writing to all parties to this Covenant.

Ellen Walkowiak Business Development Manager City of Tacoma – Community & Economic Development Department 747 Market Street, Room 900 Tacoma, WA 98422 (253) 591-5209	Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program P.O. Box 47600 Olympia, WA 98504 – 7600 (360) 407-6000
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As an alternative to providing written notice and change in contact information by mail, these documents may be provided electronically in an agreed upon format at the time of submittal.

Section 5. Modification or Termination.

a. If the conditions at the site requiring a Covenant have changed or no longer exist, then the Grantor may submit a request to Ecology that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in Chapter 64.70 RCW and Chapter 70.105D RCW and any rules promulgated under these chapters.

b. By signing this agreement, per RCW 64.70.100, the original signatories to this agreement, other than Ecology, agree to waive all rights to sign amendments to and termination of this Covenant.

Section 6. Enforcement and Construction.

a. This Covenant is being freely and voluntarily granted by the Grantor.

b. Grantor shall provide Ecology with an original signed Covenant and proof of recording within ten (10) days of execution of this Covenant.

c. Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including Chapter 70.105D RCW and Chapter 64.70 RCW. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.

d. The Grantor, upon request by Ecology, shall be obligated to pay for Ecology's costs to process a request for any modification or termination of this Covenant and any approval required by this Covenant.

e. This Covenant shall be liberally construed to meet the intent of the Model Toxics Control Act, chapter 70.105D RCW and Uniform Environmental Covenants Act, chapter 64.70 RCW.

f. The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to any person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstance is not affected and shall continue in full force and effect as though such void provision had not been contained herein.

g. A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

The undersigned Grantor warrants he/she holds the title to the Property and has authority to execute this Covenant.

EXECUTED this 6th day of December, 2013.

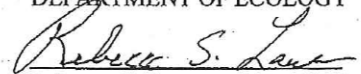
CITY OF TACOMA, WASHINGTON


T.C. Broadbent
City Manager

Dated: 12/6/2013



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY


Rebecca S. Lawson, P.E., LHG
Section Manager
Toxics Cleanup Program
Southwest Regional Office

Dated: 12/16/2013

GRANTOR CORPORATE ACKNOWLEDGMENT

STATE OF WASHINGTON
COUNTY OF PIERCE

On this 6th day of December, 2013, I certify that T.C. Broadnax
personally appeared before me, acknowledged that he/she is the City Manager
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.

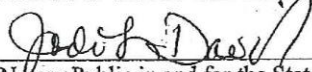

Notary Public in and for the State of
Washington, residing at Puyallup
My appointment expires 5-21-15



Exhibit A -- LEGAL DESCRIPTION

Monitoring Well Area Property Description:

A portion of the Southwest quarter of the Southwest quarter of Section 04 and the Northwest quarter of the Northwest quarter of Section 09, all in Township 20 North, Range 03 East, W.M., more particularly described as follows:

Beginning at the Northeast corner of Block 2108, BURNS AND BLINN MAP OF A PART OF THE CITY OF TACOMA as recorded in Volume 1 of Plats at Page 28, records of Pierce County Auditor, said point being the intersection of the West right of way margin of Jefferson Avenue and the South right of way margin of South 21st Street;

Thence South 0°39'37"East, along said West margin, a distance of 100.69 feet;

Thence South 82°37'47"West, parallel with said South margin, a distance of 81.35 feet more or less to the face of a retaining wall;

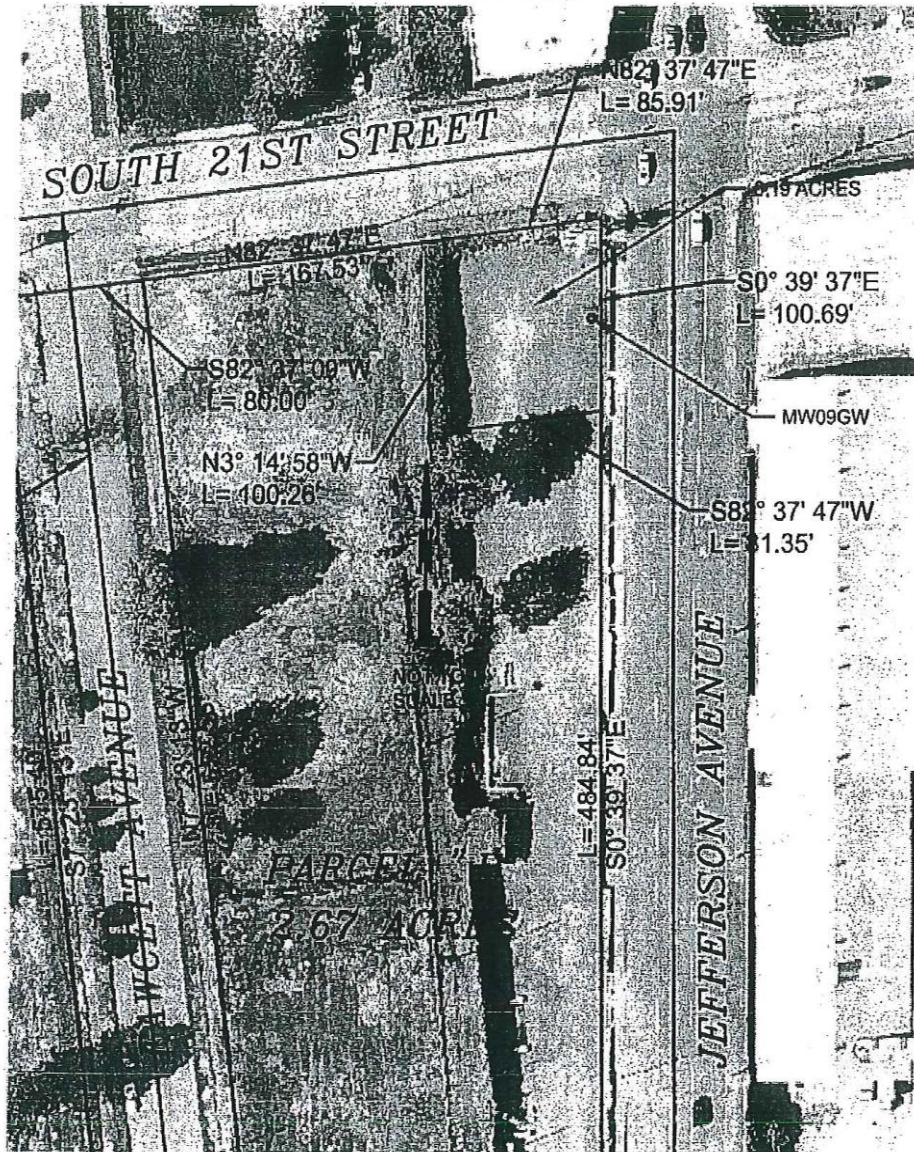
Thence North 03°14'58"West, along the face of said wall, a distance of 100.26 feet to the South margin of South 21st Street;

Thence North 82°37'47"East, along said South margin, a distance of 85.91 feet to the Point of Beginning.

Containing 8,363 Square Feet

Situate in the City of Tacoma, County of Pierce, State of Washington

Exhibit B -- PROPERTY MAP



6.10 Photo Log

Photo 1: Residential Units Construction on Southern Portion of the Site - From the Southwest of the Site/From South 23rd Street



Photo 2: Undeveloped Northern Portion of the Site - From the Southeast/From the South 23rd Street



Photo 3: Southern Portion of the Site, Residential Units Construction - From the North



Photo 4: Undeveloped Northern Portion of the Site - From the South



Photo 5: Stormwater Retention and Treatment Pond - From the Southeast



Photo 6: Stormwater Retention and Treatment Pond - From the South

