



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

October 22, 1998

Mr. Rich J. Gambia
Vice President
Citibank Global Asset Management
Citibank, N.A.
153 East 53rd Street, Suite 5600
New York, NY 10043

Dear Mr. Gamba:

Re: Independent Remedial Action
Sea-Tac Plaza/Former Y-Pay-Mor Dry Cleaner,
Space A-6, 2210 S. 320th Street, Federal Way, Washington

Thank you for submitting the results of your independent remedial actions for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the former Y-Pay-Mor Dry Cleaner facility located at Space A-6, 2210 S. 320th Street, Federal Way:

1. Preliminary Remedial Investigation, prepared by RZA AGRA, Inc. dated November 1992;
2. Remediation System Installation, prepared by RZA AGRA, Inc. dated October 1993;
3. Soil Vapor Extraction remediation System, Performance Monitoring Record, prepared by RZA AGRA, Inc. dated February 7, 1994;
4. Independent Remedial Action Report, prepared by AGRA Earth & Environmental, Inc. dated December 22, 1994;
5. Biannual Sampling of Monitoring Well MW-3 prepared by AGRA Earth & Environmental, Inc. dated 20 August 1997;
6. Miscellaneous information in the Central Files of the Northwest Regional Office (NWRO) related to the site.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190.

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Based upon the information in the reports listed above, Ecology has determined that, at this time, the release of cis-1,2-dichloroethene, trichloroethane, and tetrachloroethane into the soil and groundwater no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

In addition, the Restrictive Covenant filed on your property dated July 24, 1998, is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated.

Ecology's no further action determination is made only with respect to the release identified in the independent remedial action report dated December 22, 1994. This no further action determination applies only to the area of the property affected by the release identified in the report at , 2210 S. 320th Street, Federal Way. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by SeaTac Plaza Corporation.

Ecology will update its database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report.)

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact me at 425-649-7023 or by e-mail at daca461@ecy.wa.gov.

Sincerely,



Daniel R. Cargill
Toxics Cleanup Program

DC:dc
Enclosure

cc: Scott M. Missall, Short Cressman & Burgess

L A W Y E R S

RYAN, SWANSON & CLEVELAND, PLLC

1201 Third Avenue, Suite 3400
Seattle, Washington 98101-3034
Facsimile (206) 583-0359 (34th Flr)
Facsimile (206) 621-7568 (33rd Flr)
Telephone (206) 464-4224

Date: December 23, 1998

Client/Mtr No.: 10350-7

Number of pages (Including this cover page): 5

To:	Facsimile No.:	Telephone No.:
Dan Cargill, Wash. State Dept. Ecology	425-649-7161	
From:		
Philip M. Roberts		
The original of this facsimile transmission will be:		
<input checked="" type="checkbox"/> retained on file <input type="checkbox"/> sent to you via U.S. Mail <input type="checkbox"/> sent to you via courier		

PLEASE NOTIFY US IMMEDIATELY AT (206) 464-4224 IF THIS TRANSMISSION IS NOT RECEIVED PROPERLY.

COMMENTS:

THIS FACSIMILE MESSAGE IS A PRIVILEGED AND CONFIDENTIAL COMMUNICATION, TRANSMITTED FOR THE EXCLUSIVE USE OF THE ADDRESSEE. THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND MAIL THE COMMUNICATION TO US AT OUR LETTERHEAD ADDRESS ABOVE.



Short Crossman & Burgess P.L.L.C.
 Attn: Scott M. Missall
 1000 First Interstate Center
 999 Third Avenue
 Seattle, WA 98104-4008

Document Title	Declaration of Restrictive Covenant
Reference Number(s) of Related Documents	N/A
Grantor	Seatac Plaza Corporation
Grantee	Evergreen Plaza, a Planned Unit Development
Legal Description	Space A-6, 2210 S. 320th Street, Federal Way, Washington, located within Lot 2, KCSP No. 1079107, Recording No. 7912260667, being a portion of Tract A, Evergreen Plaza, a Planned Unit Development, Plate Vol. 100, pages 74 and 75
Parcel Number(s)	242320-0050-00

9808101434

RESTRICTIVE COVENANT

SEATAC PLAZA CORPORATION

2210 S. 320th Street, Space A-6; Former Y-Pay-Mor Dry Cleaners

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by SEATAC PLAZA CORPORATION, its successors and assigns.

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

Preliminary Remedial Investigation, by AGRA Earth and Environmental
(formerly RZA AGRA), dated November 1992.

Remediation System Installation, by AGRA Earth and Environmental
(formerly RZA AGRA), dated October 1993.

Soil Vapor Extraction Remediation System, Performance Monitoring
Record, by AGRA Earth and Environmental (formerly RZA AGRA), dated
February 7, 1994.

Independent Remedial Action Report, by AGRA Earth and Environmental
(formerly RZA AGRA), dated December 22, 1994.

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

This restrictive Covenant is required because the Remedial Action resulted in
residual concentrations of two contaminants which exceed the Model Toxics Control Act
(MTCA) cleanup levels in the soil in two specific locations located under the building
foundation.

The undersigned, SEATAC PLAZA CORPORATION, is the fee owner of real
property (hereafter "Property") in the County of King, State of Washington, that is subject
of this Restrictive Covenant. The Property is legally described as follows:

That property commonly known as Space A-6, 2210 S. 320th Street,
Federal Way, Washington, located within Lot 2 as delineated on King
County short Plat No. 1079107, recorded under King County Recording No.
7912260667, being a portion of Tract A, Evergreen Plaza, a Planned Unit
Development, according to the plat thereof recorded in Volume 100 of
Plats, pages 74 and 75, in King County, Washington.

SEATAC PLAZA CORPORATION makes the following declaration as to
limitations, restrictions, and uses to which the Property may be put and specifies that such
declarations shall constitute covenants to run with the land, as provided by law and shall
be binding on all parties and all persons claiming under them, including all current and
future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains soil contaminated with cis-1,2-dichloroethene and tetrachloroethane, located under the building foundation at confirmation borings CB-4 and CB-5 as shown on Exhibit A. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

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

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

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

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect Remedial Actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this 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 if Ecology, after public notice and opportunity for comment, concurs.

DATED this 27th day of July, 1998.

SEATAC PLAZA CORPORATION

By [Signature]

Its Vice President

STATE OF New York

COUNTY OF New York

I certify that I know or have satisfactory evidence that Richard J. Gracka 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 this instrument and acknowledged it as the Vice President of Seatac Plaza Corporation, a corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: July 27th, 1998.

[Signature]
Print Name: Andrew P. Giffen
NOTARY PUBLIC in and for the State of
New York, residing at 446 Central Ave 2nd
My Appointment expires: 5-15-99



ANDREW P. GIFFEN
Notary Public, State of New York
Commission Expires May 15, 1999

(Use this space for notarial stamp/initials)

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D.C.G. ^{II} LLC
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D.C.G. L

25022 104th Ave SE Ste 15
Rent 98031