



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

January 10, 2008

JOE KENNY
NORTHWEST BUILDING CORPORATION LLC
1300 NORTON BUILDING
801 SECOND AVENUE
SEATTLE WA 98104

**Re: No Further Action Determination under WAC 173-340-515(5) for the following
Hazardous Waste Site:**

- Site Name: FORMER CAR WASH RENTON SHOPPING CENTER SITE
- Site Address: 351 HARDIE AVENUE S.W. RENTON WA
- Facility/Site No.: 26515148
- VCP No.: NW1740

DEAR MR KENNY:

Thank you for submitting your independent remedial action report for the FORMER CAR WASH RENTON SHOPPING CENTER facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

NFA Determination
FORMER CAR WASH RENTON SHOPPING CENTER SITE
VCP ID# NW1740
January 10, 2008

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. AMEC GROUNDWATER MONITORING REPORTS: 6/23/06, 3/30/07, 6/22/07, 9/28/07 & 12/17/07.
2. Restrictive Covenant No. 9902050480 of 12/14/98 King County: Former Car Wash Facility VCP ID# NW1740

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

The Site is defined by the extent of contamination caused by the following release(s):

- Total Petroleum Hydrocarbons (TPH- gasoline) and BTEX in Soil and Groundwater

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List and the Hazard Site List (HSL) for ranked sites.

This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by FORMER CAR WASH RENTON SHOPPING CENTER SITE.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

The state, Ecology, and its officers and employees make no guarantees or assurances by

NFA Determination
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VCP ID# NW1740
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providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

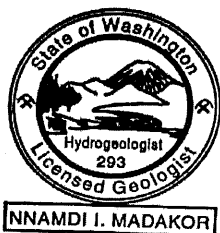
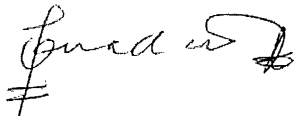
Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#NW1740).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions you may reach me at 360-407-7244 or e-mail at nmad461@ecy.wa.gov.

Sincerely



Nnamdi Madakor, P.HG, P.G.
VCP Statewide Coordinator
HQ - Toxic Cleanup Program

cc: Russ Olsen, NWRO VCP Unit Manager.
Sara Maser, NWRO Data Coordinator
Tara Davis, HQ Data Coordinator
Dolores Mitchell, Ecology (NW1740)

NM:nm

Enclosure: Restrictive Covenant No 9902050480



EXHIBIT A LEGAL

PARCEL G:

THAT PORTION OF GOVERNMENT LOT 11, SECTION 18, TOWNSHIP 23 NORTH, RANGE 5 EAST W.M., IN KING COUNTY, WASHINGTON, AND OF HENRY H. TOBIN DONATION LAND CLAIM NO. 37 IN THE SOUTHWEST QUARTER OF SAID SECTION 18, AND OF TRACTS 2 AND 3 AND THE STREET PLATTED THEREIN OF THE COMMISSIONER OF PUBLIC LAND SUPPLEMENTAL MAP OF RENTON SHORE LANDS, SAID STREET NOW VACATED BY ORDINANCE NO. 1849 OF CITY OF RENTON, DESCRIBED AS FOLLOWS:

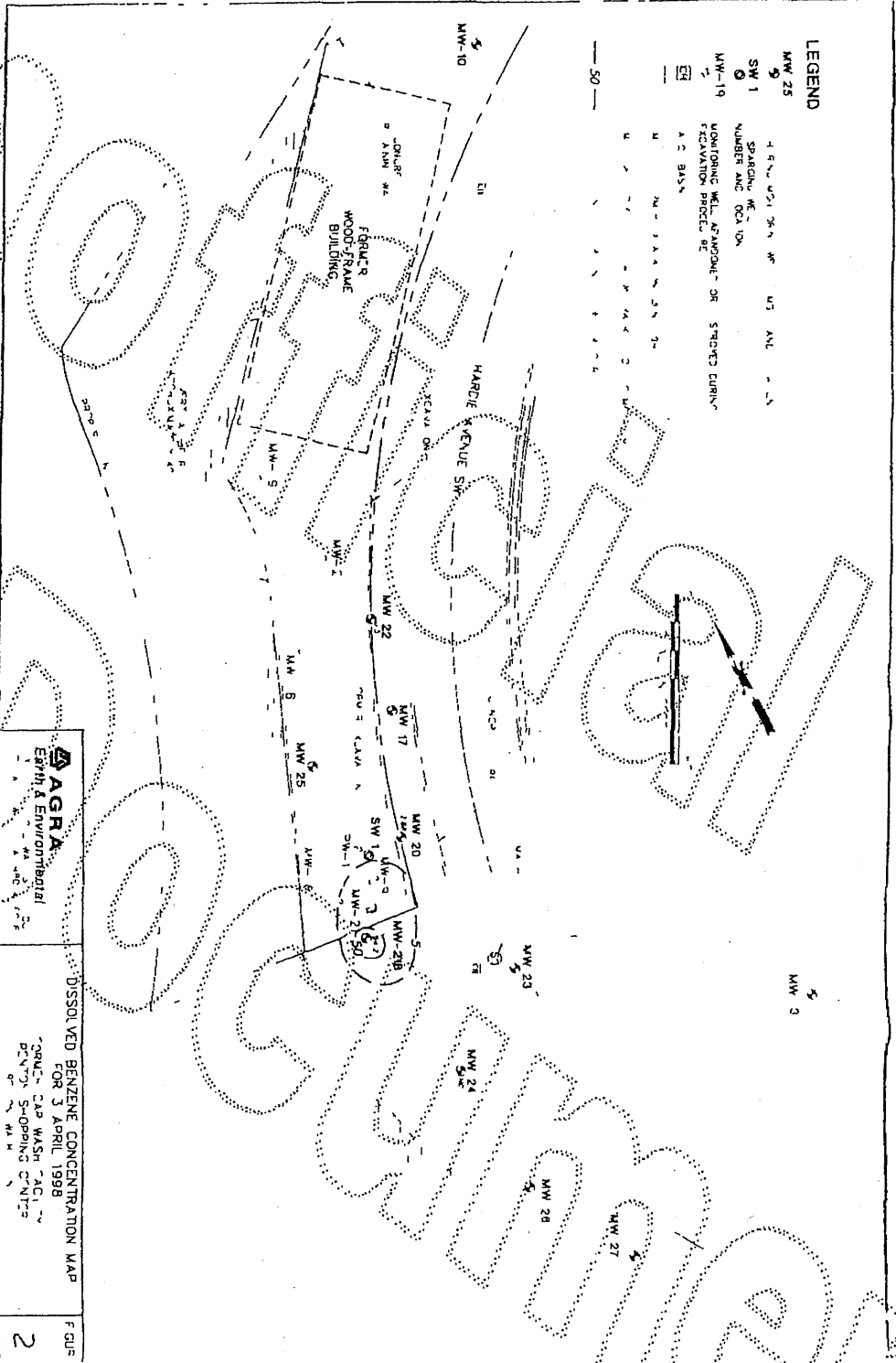
BEGINNING AT THE MOST EASTERLY CORNER OF SAID TRACT 3 OF RENTON SHORE LANDS;
THENCE SOUTHWESTERLY ALONG THE SOUTHERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 2 A DISTANCE OF 2.18 FEET TO THE TRUE POINT OF BEGINNING;

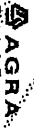
THENCE EASTERLY AND SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 33.63 FEET, AN ARC DISTANCE OF 106.58 FEET TO A POINT OF TANGENCY;
THENCE SOUTH 59°31'38" WEST 88.92 FEET TO A POINT OF TANGENCY;
THENCE WESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 389.84 FEET, AN ARC DISTANCE OF 150.04 FEET TO A POINT ON THE NORTHWESTERLY MARGIN OF THE STREETS PLATTED IN SAID MAP OF RENTON SHORE LANDS;
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN TO THE NORTH LINE PRODUCED EASTERLY OF THE SOUTH 550.92 FEET MEASURED DIAGONALLY ALONG THE WESTERLY BOUNDARY WHICH IS THE EASTERLY MARGIN OF RAINIER BOULEVARD OF THAT PORTION OF GOVERNMENT LOTS 11 AND 14 IN SAID SECTION 18 LYING EAST OF RAINIER BOULEVARD AND PRIMARY STATE HIGHWAY NO. 2, AND NORTH OF A LINE RUNNING DUE EAST FROM THE SOUTHEAST CORNER OF LOT 28, BLOCK 10, PLAT OF EARLINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON;
THENCE WEST ALONG SAID EASTERLY PRODUCTION AND ALONG SAID NORTH LINE OF SAID 550.92 FEET TO THE EASTERLY MARGIN OF SAID RAINIER BOULEVARD;
THENCE NORTHERLY ALONG SAID EASTERLY MARGIN TO THE SOUTHERLY MARGIN OF PRIMARY STATE HIGHWAY NO. 2;
THENCE EASTERLY ALONG SAID SOUTHERLY MARGIN TO THE TRUE POINT OF BEGINNING.

ALL SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

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AGRA
 Earth & Environmental
 DISSOLVED BENZENE CONCENTRATION MAP
 FOR 3 APRIL 1998
 CONC. CAP WASH FACILITY
 DENSITY-SHOPING CENTER
 F GUS 2

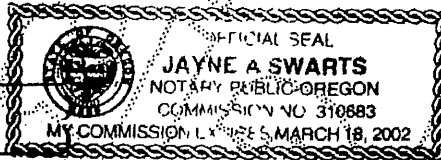
Restrictive Covenant
Former Car Wash Facility
Renton Shopping Center

OWNER

Roundup Co

By Scott L. Wippel
Title Vice President
Date 12-14-98

STATE OF Oregon
COUNTY OF Multnomah



On this 14th day of December, 1998, before me, a Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared, Scott L. Wippel to me known to be the Vice President of Roundup Co, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument

Jayne A. Swarts

Notary Public in and for the State of ~~Washington~~ Oregon

Residing at Portland, Oregon
My commission expires March 18, 2002

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**Restrictive Covenant
Former Car Wash Facility
Renton Shopping Center**

Section 8. 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 9. 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 10. 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.

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**Restrictive Covenant
Former Car Wash Facility
Renton Shopping Center**

Section 1. The Property shall be used only for commercial uses including but not limited to retail and industrial uses as allowed under the COUNTY of King's zoning regulations codified in the RENTON MUNICIPAL CODE as of the date of this Restrictive Covenant

Section 2. No groundwater may be taken for any use from the Property without meeting all relevant substantive requirements applicable to the State and County laws

Section 3. A portion of the Property contains remnant concentrations of TPH-G, present beneath the vertical bedrock cliff of the western corner of the Former Renton Car Wash Facility, and dissolved petroleum hydrocarbons in groundwater are also present above State Standards on the site. 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, groundwater, vapors or create a new exposure pathway without prior written approval from Ecology

Section 4. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil, groundwater, or vapors that remain on the property as part of the Remedial Action, or create a new exposure pathway or that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited without the prior written approval from Ecology. Some examples of activities that are prohibited in the capped areas include drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork

Section 5. 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

Section 6. 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 7. 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

**Restrictive Covenant
Former Car Wash Facility
Renton Shopping Center**

7. Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area Renton Shopping Center, May 14, 1996 by AGRA Earth & Environmental, Inc
8. Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area Renton Shopping Center, July 12, 1996 by AGRA Earth & Environmental, Inc
9. Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area Renton Shopping Center, October 1, 1996 by AGRA Earth & Environmental, Inc
10. Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area Renton Shopping Center, January 14, 1997 by AGRA Earth & Environmental, Inc
11. Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area Renton Shopping Center, May 12, 1997 by AGRA Earth & Environmental, Inc
12. Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area Renton Shopping Center, October 6, 1997 by AGRA Earth & Environmental, Inc
13. Second Quarter and Groundwater Monitoring Status Report, 351 Hardie Avenue, SW Former Car Wash Area, Renton Shopping Center, April 30, 1998, by AGRA Earth & Environmental, Inc

THESE documents are on file at Ecology's NWRO.

This Restrictive Covenant is required because the Remedial Action resulted in remnant concentrations of TPH-G, beneath the vertical bedrock cliff of the western corner of the Former Renton Car Wash Facility, and because dissolved petroleum hydrocarbons in groundwater are also present above State Standards on the site (See Enclosed Maps, Figs 1 and 2) This remnant and inaccessible contaminated soil is estimated to be about 330 cubic yards in volume

The undersigned Roundup Co is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Exhibit A, of this Restrictive Covenant and made a part hereof by reference.

Roundup Co 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").

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RESTRICTIVE COVENANT

Roundup Co.

Former Car Wash Facility – Renton Shopping Center

351 Hardie Avenue S.W. Renton, Washington (the "Property")

This Declaration of Restrictive Covenant is made pursuant to RCW 70 105D-030 (I)(f) and (g) and WAC 173-340-440 by Roundup Co., a Washington corporation, its successors and assigns, and the State of Washington department of Ecology, its successors and assigns (hereafter "Ecology") The property is currently undergoing remedial action (as defined below) and Northwest Building Corporation, its successors and assigns, is responsible at its sole cost and expense to perform the Remedial Action

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[s]

- 1 Preliminary Remediation Characterization, Renton Shopping Center – Car Wash Facility (Area 1), January 1992 by RZA AGRA, Inc
- 2 Interim Soil Remediation, Former Car Wash Area – Renton Shopping Center, November 3, 1992 by RZA AGRA, Inc
- 3 Interim Remediation/Groundwater Monitoring, Renton Shopping Center, January 1993 by RZA AGRA, Inc
- 4 Off-Site Assessment and Groundwater Monitoring, Former Car Wash Area - Renton Shopping Center, August 16, 1993 by RZA AGRA, Inc
- 5 Additional Subsurface Investigation and Groundwater Aeration Feasibility Study Summary Report, Former Car Wash Area Renton – Shopping Center, August 16, 1994 by AGRA Earth & Environmental, Inc
- 6 Remediation System and Groundwater Monitoring Status Report, Former Car Wash Area – Renton Shopping Center, December 29, 1995 by AGRA Earth & Environmental, Inc

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16.00
09:31:03 AM KING COUNTY RECORDS 009 55

AFTER RECORDING MAIL TO:

Name NORTHWEST BUILDING CORPORATION
Address 801 2ND #1300 NORTON BLDG
City/State SEATTLE WA 98104-1581
WAYNE E REISENAUER

Document Title(s): (or transactions contained therein)

- 1 RESTRICTIVE COVENANT
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

Additional numbers on page _____ of document

Grantor(s): (Last name first, then first name and initials)

- 1. WASHINGTON STATE OF - DEPT ECOLOGY
- 2.
- 3.
- 4.
- 5. Additional names on page _____ of document

Grantee(s): (Last name first, then first name and initials)

- 1. ROUNDUP COMPANY
- 2.
- 3.
- 4.
- 5. Additional names on page _____ of document


Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/quarter/quarter)

PTN GOVT LOT 11, SEC. 18, TOWNSHIP 23 N, R 5 E W M

Complete legal description is on page 9 of document

Assessor's Property Tax Parcel / Account Number(s):

182305-9034

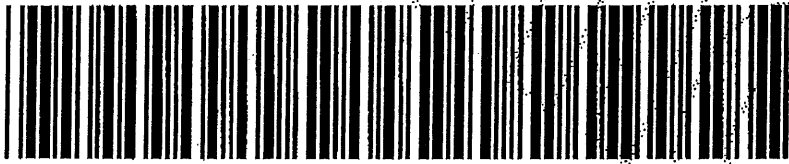
 **First American Title Insurance Company**

1ST A.I.
M-1239-5K
(9)
(this space for title company use only)

**COURTESY RECORDING ONLY
NO LIABILITY FOR VALIDITY AND/OR
ACCURACY ASSUMED BY FIRST AMERICAN
TITLE INSURANCE COMPANY**

NOTE The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Unofficial
Document



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Renton Shopping Cntr NW1740