



Southwest Regional Office
Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775
360-407-6240

TRANSMITTAL MEMO

Date: August 9, 2012

TO: Mr. Tom Langseth

RE: Mizukami Project
SW1137

Subject: Explanation of Timeline

NOTE: The determination date is the date Ecology approved the No Further Action status for the site. Final payment, EIM Data submission, once received, the NFA letter was released.

Ecology Determination date: October 1, 2012

Email Customer Notification: October 2, 2012

Payment received date: October 23, 2012

EIM Data successfully uploaded: October 28, 2011

TEE submittal: July 1, 2011

Ecology Determination letter mailed/sent: October 23, 2012



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 1, 2012

Mr. Tom Langseth
7517 Portland Avenue East
Tacoma, Washington 98404

Re: No Further Action at the following Site:

- **Site Name:** Mizukami Project
- **Site Address:** 4524 20th Street East, Fife, Washington 98424
- **Facility/Site No.:** 9436194
- **Cleanup Site ID No.:** 347
- **VCP Project No.:** SW1137

Dear Mr. Langseth:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Mizukami Project facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Total petroleum hydrocarbons (TPH) in the diesel-range (TPH-D) into the soil and groundwater.
- Volatile organic compounds (VOCs) into the soil and groundwater.



Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Langseth Environmental Services, Inc. (Langseth), **Site Assessment Report**, dated July 11, 2003.
2. Langseth, **Voluntary Cleanup Report**, dated October 27, 2004.
3. Robinson Noble Saltbush, Inc. (RNS), **Initial Remedial Groundwater and Soil Investigation**, dated April 2005.
4. RNS, **Remedial Investigation: Groundwater and Additional Soil Borings**, dated January 2006.
5. RNS, **Groundwater Monitoring Report – November 2007**, dated January 2006.
6. RNS, **Groundwater Monitoring Report – March 2008**, dated July 2008.
7. RNS, **Final Groundwater Monitoring Report – June 2008**, dated August 2008.
8. RNS, **Groundwater Monitoring Report – March 2011**, dated June 2011.
9. RNS, **Groundwater Monitoring Report – June 2011**, dated July 2011.¹
10. RNS, **Groundwater Monitoring Report – October 2011**, dated November 2011.
11. RNS, **Long-Term Groundwater Monitoring Plan**, dated January 2012.

Those documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. You can make an appointment by calling the SWRO resource contact at (360) 407-6365.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

¹ Report contains Feasibility Study/Disproportionate Cost Analysis and Terrestrial Ecological Evaluation.

The Site is located at 4524 20th Street East, Fife, Washington at an elevation of approximately 20 feet above sea level and approximately 600 feet south of Interstate 5. The Site was used as a residence until 2003 when the property was purchased for redevelopment. A home heating-oil underground storage tank (UST) was excavated and removed and a heating-oil aboveground storage tank (AST) was also removed at that time. Currently, the Site is operated by CMKM, LLC and is used as commercial warehouse space.

In the early 1990s, the heating-oil UST was removed from service and replaced by an AST; the UST remained in the ground. In 2003, Langseth moved the AST to excavate the UST. In the process of moving the AST, the product delivery lines were unknowingly damaged. Apparently, after the UST removal, the AST product line was found to have leaked approximately 150-200 gallons of heating oil, which contaminated soil and groundwater. Langseth found the UST contained approximately 450 gallons of diesel and water. Arcom Oil of Tacoma recovered the residual liquids out of the UST. Langseth collected one soil sample from the excavation. Laboratory analytical results indicated the sample was below the MTCA TPH-D Method A Soil Cleanup Level (CUL) for unrestricted land use of 2,000 milligrams per kilogram (mg/kg).

Over the 2003-2004 winter season, the AST product line released heating oil to the ground at the former UST location. In July 2004, the AST was removed from service and the former UST excavation was re-excavated. TPH-D soil contamination concentrations exceeded the MTCA CUL; the highest concentration reported was 39,000 mg/kg. Langseth excavated the petroleum-contaminated soil (PCS). Soil confirmation sample results indicated most TPH-D soil concentrations were below the MTCA CUL; however, Langseth left residual PCS in place above the MTCA CUL at one location. The PCS was left in place due to the close proximity of fiber-optic lines on the east side of the Site, in the street right-of-way (see Figure 2). The PCS was excavated to a depth of approximately 6.5 feet below ground surface (bgs) and groundwater was not encountered during the excavation.

In February 2005, RNS advance six soil borings and collected soil and groundwater samples from around the excavation and found one soil sample result above the MTCA CUL and three groundwater samples that exceeded the MTCA Method A Groundwater CULs for TPH-D and benzene. The highest concentrations were 50,000 micrograms per liter ($\mu\text{g/L}$) for TPH-D and 32 $\mu\text{g/L}$ for benzene. The MTCA CULs are 500 $\mu\text{g/L}$ and 5 $\mu\text{g/L}$, respectively. Groundwater was reported to be 3 feet bgs.

In November 2005, RNS installed six monitoring wells (MW-1 through MW-5). From November 2005 to June 2008, RNS conducted five monitoring events. The groundwater was sampled for TPH in the gasoline, diesel, mineral oil, and oil ranges, for benzene, toluene, ethylbenzene, xylenes, naphthalene, and polyaromatic hydrocarbons. None of the constituents of concern were detected above their respective laboratory reporting limits with the exception

of naphthalene, one time only; however, it was below the MTCA CUL of 160 µg/L. The Site has a shallow groundwater gradient to the northeast (see Figure 2). From November 2005 to September 2011, there have been seven groundwater-monitoring events (see Table 2).

In November 2008, Ecology provided a Further Action Opinion Letter. Ecology's comments requested:

- Soil contamination location clarification.
- Additional monitoring well information.
- A replacement well for MW-4.
- An additional three quarters of groundwater monitoring.
- Full delineation of the Site contamination.
- A feasibility study and disproportionate cost analysis (FS/DCA).

In July 2011, RNS installed a new well (MW4B), clarified PCS locations, fully delineated the Site, provided additional groundwater monitoring results, and submitted a FS/DCA. Ecology reviewed the additional monitoring results and a FS/DCA. Ecology determined the extent of the soil and groundwater contamination had been defined. Ecology evaluated the FS/DCA and determined, based on the inaccessibility of the PCS and historic groundwater monitoring results, that institutional controls were appropriate for the Site. The alternative selected by the owner and approved by Ecology would place institutional controls on residual PCS left in place and long-term groundwater monitoring on the Site.

In May 2012, Ecology reviewed an Environmental Covenant (EC) for the Site and accepted the document². The EC was recorded with the Pierce County Auditor's Office on June 8, 2012.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

The Site soil and groundwater were evaluated using MTCA Method A CULs. Standard points of compliance were established for the Site. The point of compliance for protection of groundwater was established in the soils throughout the Site. For soil cleanup levels based on groundwater protection, the point of compliance was established in the soils throughout the Site from the ground surface to 15 feet bgs. In addition, the point of compliance for the groundwater was established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site.

3. Selection of cleanup action.

² <https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=347>

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The method selected to remediate the PCS involved source removal, excavation of contaminated material, off-Site disposal of most of the PCS, and long-term groundwater monitoring. Because residual PCS above the applicable MTCA CUL remains on the Site, an EC was filed with the Pierce County Assessor's Office to run with the property deed.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

In July 2004, Langseth excavated and transported approximately 51 tons of PCS from the Site to TPS Technologies, Inc. in Tacoma, Washington for soil recycling. The excavation was backfilled with clean soil.

Residual PCS remains on the Site in the Frank Albert Road right-of-way on the northeastern corner of the property above MTCA TPH-D Method A CUL. Ecology evaluated the groundwater analytical results from historical data set and the previous three-groundwater sampling events and determined the results indicated the residual PCS concentrations were protective of groundwater (see Table 2 and Gensco).

Ecology evaluated the FS/DCA and determined institutional controls were an appropriate remedy to the residual Site PCS contamination. An EC was attached to the property deed and recorded with the county assessor's office. The EC contains a long-term groundwater monitoring plan and reporting requirements.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional controls are necessary at the Site:

- Long-term groundwater monitoring.

- Prohibited removing or altering structures on the Site in such a way as to result in a release or create exposure to the contaminated soil.

To implement those controls, an Environmental Covenant has been recorded on the following parcel of real property in Pierce County:

- 0320126023.

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B**.

2. Performance of confirmational monitoring.

Confirmational monitoring is necessary at the Site to confirm the long-term effectiveness of the cleanup. The monitoring data will be used by Ecology during periodic reviews of post-cleanup conditions. Ecology has approved the monitoring plan you submitted. A copy of the plan is included in **Enclosure B**.

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised

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action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

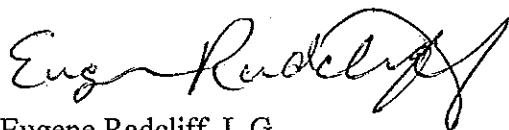
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

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 (#SW1137).

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me at (360) 407-7404.

Sincerely,



Eugene Radcliff, L.G.
VCP Site Manager
SWRO Toxics Cleanup Program

GER/ksc:Mizukami Project NFA SW1137

By certified mail: (7011 1150 0000 7881 9708)

Enclosures (5): A – Description and Diagram of the Site
 Figure 1 Vicinity Map
 Figure 2 Potentiometric Surface Contour Map
 Table 2 September 16, 2011 Sampling Event
 Gensco/Mizukami Historical Groundwater Quality Data Summary
 B – Environmental Covenants for Institutional Controls

cc: Mr. Ken Bell, Gensco Inc.
 Ms. Sharon Bell, Tacoma-Pierce County Health Department
 Scott Rose – Ecology
 Dolores Mitchell – Ecology (without enclosures)

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Enclosure A

Description and Diagrams of the Site

Enclosure A

Site Description, Figures and Tables

Media of Concern: Soil and Groundwater

The Mizukami Project (Site) is located at 4524 20th Street East in Fife, Pierce County, Washington (see Figure 1). The parcel on which the facility is located encompasses approximately 11.74 acres; the Site is on the northeast corner of the parcel and extends into Frank Albert Road. Petroleum-contaminated soil remains under the road right-of-way. The Site is mostly covered with impervious surface and approximately one-fifth is covered by a developed pervious surface (storm water infiltration galleries). The Site is bordered on the east by Frank Albert Road, on the south by an open space corridor, on the west by commercial warehouse buildings, and on the north by 20th Street East. The Pierce County Assessor's Office (PCAO)³ notes the Site has an assigned tax parcel numbers of 0320126023. The 0320126023 parcel tax descriptions are as follows:

"Section 12 Township 20 Range 03 Quarter 24 LOT 2 OF BLA 2006-07-24-5003 DESC AS FOLL BEG AT PT ON SLY LI 20TH ST E BEING NE COR OF PARCEL CYD PER AFN 2005-11-14-1440 TH S 88 DEG 24 MIN 54 SEC E 384.83 FT TH S 02 DEG 02 MIN 00 SEC E 696.23 FT TH N 88 DEG 37 MIN 17 SEC W 135.51 FT TH N 44 DEG 56 MIN 00 SEC W 140.31 FT TH N 29 DEG 05 MIN 52 SEC W 100.27 FT TH N 01 DEG 14 MIN 23 SEC E 107.12 FT TH N 89 DEG 58 MIN 11 SEC W 147.69 FT TH N 54 DEG 14 MIN 11 SEC W 168.77 FT TH N 01 DEG 48 MIN 31 SEC E 106.81 FT TH N 88 DEG 41 MIN 14 SEC W 39.94 FT TH N 01 DEG 35 MIN 06 SEC E 90 FT TH N 53 DEG 35 MIN 51 SEC E 191.72 FT TH N 01 DEG 35 MIN 06 SEC E 570 FT TO POB EXC N 5 FT CYD TO CY OF FIFE BY ETN 4154181 EASE OF REC OUT OF 2-012, 2-013, 2-033, 2-056, 6-017 & 6-018 SEG 2007-0185 LW08/17/06LW DC/BL 06-21-07BL"

The latitude and longitude coordinates of the Site are 47° 14' 20" North, 122° 22' 04" West.

The PCAO has zoned the Site as Municipal Area. The PCAO's Land Use Code further designates the parcel: 6310-GEN WAREHOUSING STORAGE.

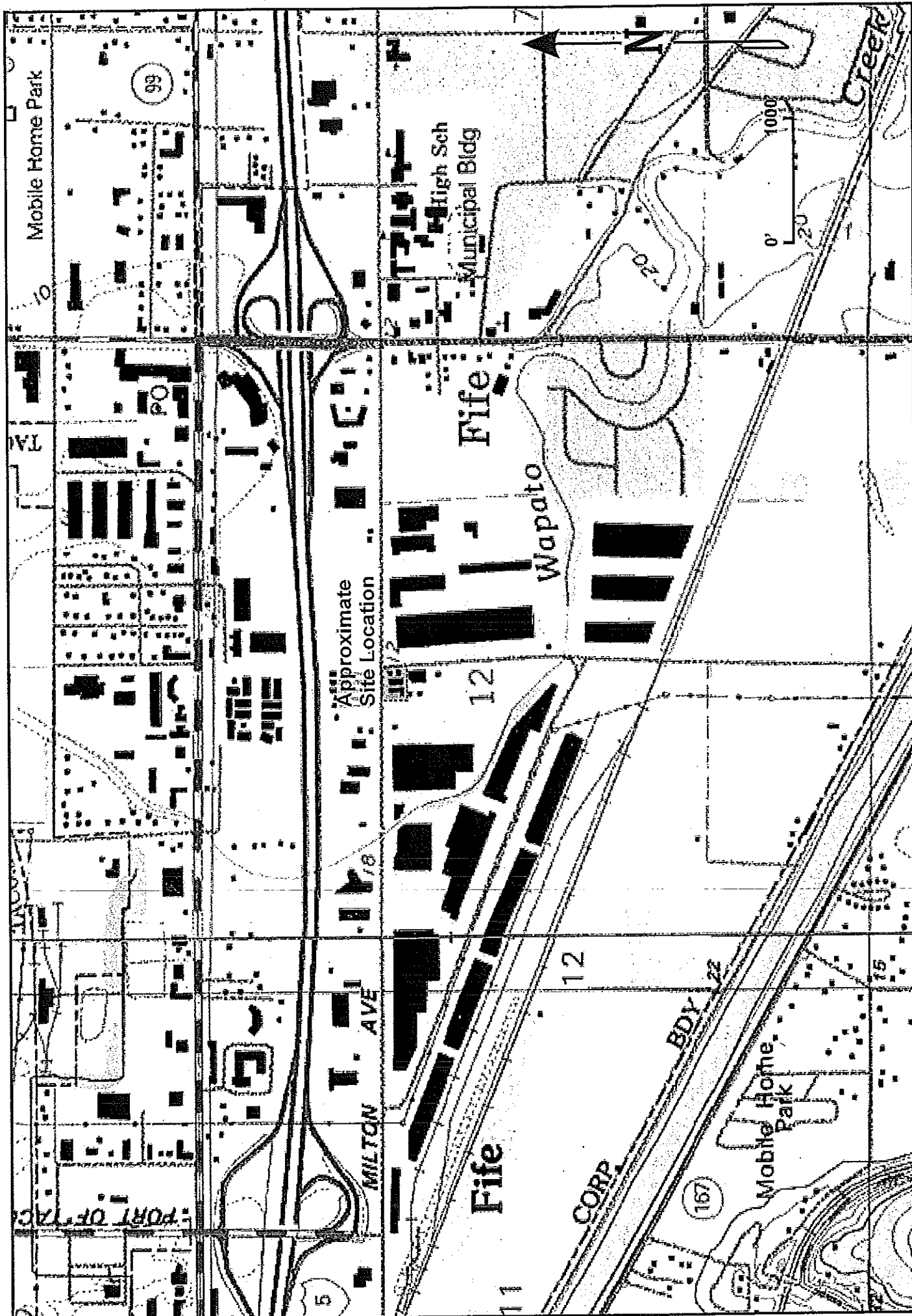
PCAO further identifies the Site as being located in a designated Open Space Corridor and Urban Growth Area. Open space corridors are undeveloped areas that usually connect habitat areas. The Site is in a recognized Volcanic Hazard Area and a Regulated Flood Hazard Area. The Site is approximately 1295 feet north of the Wapato Creek Nature Area and wetland (see Figure 1). Hydric soils are identified within the Site area.

Groundwater was reported to be approximately 2.5 feet to 7 feet below ground surface at the Site. The Site elevation is approximately 20 feet above sea level.

³ <http://epip.co.pierce.wa.us/cfapps/atr/epip/searchresults.cfm?s1=0319064027>

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) website⁴ identifies the Site soil as Sultan silt loam, 0 to 2 percent slopes, typically found on flood plains, and consists of alluvium. The depth to water table is usually 12-24 inches. The NRCS classifies this soil as moderately well drained. Locally, the Site soils are described as native organic-rich, dark gray to brown to black, clayey silts and silty, fine sands, and poorly sorted sand and gravel; typical of sands in the Puyallup River drainage basin.

⁴ <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>




 ROBINSON NOBLE	Note: Image taken from USGS Puyallup Quad.	PM: JFH October 2011 2203-001B	Pierce County T/20 NR 03 E - 12 Scale 1" = 1000'	Figure 1 Vicinity Map Mizukami Project: 20th Street/Remedial Investigation
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Table 2. September 16, 2011 Sampling Event Analytical Results (µg/L)

Analyte/ Sample ID	MW-1	MW-2	MW-3	MW-4B	MW-6	MW-7	MTCA Method A
Gasoline	nd	nd	nd	nd	nd	nd	800
Diesel	nd	nd	nd	nd	nd	nd	500
Oil	nd	nd	nd	nd	nd	nd	500
cPAH	nd	nd	nd	nd	nd	nd	0.1
Benzene	nd	nd	nd	nd	nd	nd	5
Toluene	nd	nd	nd	nd	nd	nd	1,000
Ethylbenzene	nd	nd	nd	nd	nd	nd	700
Xylenes	nd	nd	nd	nd	nd	nd	1,000
1,2-Dichloroethane (EDC)*	nd	nd	nd	nd	nd	nd	nd
1,2-Dibromoethane (EDB)*	nd	nd	nd	nd	nd	nd	nd
Naphthalene	nd	nd	nd	nd	nd	nd	160

nd = analyte concentration is below the laboratory detection limit

*= Analyte added at the request of the Washington State Department of Ecology

Gensco/Mizukami Historical Groundwater Quality Data Summary

Well ID and Date	Gasoline	Diesel	Mineral Oil	Oil	Benzene	Toluene	Ethyl benzene	Xylenes	EDB*	EDC*	Napthalene	MTBE	Benzo(a) anthracene	Chrysene	Benzo(b) fluoranthene	Benzo(k) fluoranthene	Benzo(a) pyrene	Ideno(1,2,3-cd) pyrene	Dibenz(a,h) anthracene	Benzo(ghi) perylene
MW1																				
11/16/05	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
11/14/07	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/6/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/12/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/30/11	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/14/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
9/16/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
MW2																				
11/16/05	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
11/14/07	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/6/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/12/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/30/11	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/14/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
9/16/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
MW3																				
11/16/05	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
11/14/07	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/6/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/12/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/30/11	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/14/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
9/16/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
MW4/MW4B (MW-4) was damaged and replaced by MW-4B in March 2011																				
11/16/05	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
11/14/07	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/6/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/12/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/30/11	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/14/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
9/16/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
MW5/6 (MW-5 was relocated and replaced by MW-6 in April 2007)																				
11/16/05	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
11/14/07	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/6/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/12/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/30/11	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/14/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
9/16/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
MW7																				
11/14/07	nd	nd	nd	nd	nd	nd	nd	nd	—	—	3ug/L	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/6/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/12/08	nd	nd	nd	nd	nd	nd	nd	nd	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
3/30/11	550ug/L	nd	nd	nd	nd	nd	nd	9.1ug/L	—	—	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
6/14/11	170ug/L	nd	nd	nd	nd	nd	nd	4.5ug/L	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
9/16/11	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd	nd
MTCA Method A	1000*	500	500	500	5	1000	700	1800	0.01	5	180	20	0.1-TEF relative to benzo (e) pyrene sum of all cPAH concentrations							
CUL																				

Additional Notes: * EDB and EDC were added to the target compound list in June 2011 at the request of Ecology.

† Denotes value for TPH-G with an absence of Benzene Bold denotes compound detected above laboratory detection limits but below MTCA CULs

Enclosure B

Environmental Covenants for Institutional Controls

201206080086 JVERONE 11 PGS
06/08/2012 09:51:18 AM \$72.00
AUDITOR, Pierce County, WASHINGTON

Name & Return Address:

Eugene Radcliffe, Dept. of Ecology

PO Box 4775

Olympia, WA 98504-7775

Please print legibly or type information.

Document Title(s) Environmental Covenant

Grantor(s) CMKM, LLC

____ Additional Names on Page ____ of Document

Grantee(s) State of Washington, Department of Ecology

____ Additional Names on Page ____ of Document

Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR
section/township/range and quarter/quarter section)

Lot 2, Section 12, Township 20 N , Range 3, Tax Parcel 0320126023

Complete Legal Description on Page 2 of Document

Auditor's Reference Number(s)

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

0320126023

The Auditor/Recorder will rely on the information provided on this cover sheet. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party (Required for non-standard recordings only)

Gpcovst.doc rev 4/02

AUDITOR'S NOTE

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

RECEIVED

MAY 15 2012

WA State Department
of Ecology (SWRO)

Restrictive (Environmental) Covenant

After Recording Return to:
Eugene Radcliff
Toxic Cleanup Program
Southwest Regional Office
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Environmental Covenant

Grantor: CMKM LLC

Grantee: State of Washington, Department of Ecology

Legal: Section 12 Township 20 Range 03 Quarter 24 LOT 2 OF BLA 2006-07-24-5003
DESC AS FOLL BEG AT PT ON SLY LI 20TH ST E BEING NE COR OF PARCEL CYD
PER AFN 2005-11-14-1440 TH S 88 DEG 24 MIN 54 SEC E 384.83 FT TH S 02 DEG 02
MIN 00 SEC E 696.23 FT TH N 88 DEG 37 MIN 17 SEC W 135.51 FT TH N 44 DEG 56
MIN 00 SEC W 140.31 FT TH N 29 DEG 05 MIN 52 SEC W 100.27 FT TH N 01 DEG 14
MIN 23 SEC E 107.12 FT TH N 89 DEG 58 MIN 11 SEC W 147.69 FT TH N 54 DEG 14
MIN 11 SEC W 168.77 FT TH N 01 DEG 48 MIN 31 SEC E 106.81 FT TH N 88 DEG 41
MIN 14 SEC W 39.94 FT TH N 01 DEG 35 MIN 06 SEC E 90 FT TH N 53 DEG 35 MIN 51
SEC E 191.72 FT TH N 01 DEG 35 MIN 06 SEC E 570 FT TO POB EXC N 5 FT CYD TO
CY OF FIFE BY ETN 4154181 EASE OF REC OUT OF 2-012, 2-013, 2-033, 2-056, 6-017 &
6-018 SEG 2007-0185 LW08/17/06LW DC/BL 06-21-07BL

Tax Parcel Nos.: 0320126023

Cross Reference: N/A

Grantor, CMKM LLC, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 30th day of April, 2012 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by CMKM LLC, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

1. Site Assessment Report, Langseth Environmental Services, Inc. July 11, 2003
2. Voluntary Cleanup Report, Langseth Environmental Services, Inc. October 27, 2004
3. Initial Groundwater and Soil investigation, Robinson Noble, Inc., April 2005
4. Remedial Investigation: Groundwater and Additional Soil Borings, Robinson Noble, January 2006
5. Groundwater Monitoring reports, Robinson Noble, Inc., March and July 2008
6. March 2011 Groundwater Monitoring Report, Robinson Noble, Inc. June 2011
7. June 2011 Groundwater Monitoring Report, Robinson Noble, Inc. July 2011
8. September 2011 Groundwater Monitoring Report, Robinson Noble, Inc. October 2011

These documents are on file at Ecology's Southwest Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of diesel-range petroleum hydrocarbons (heating oil) which exceed the Model Toxics Control Act Method A Cleanup Level for SOIL established under WAC 173-340-740.

The undersigned, CMKM LLC, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Covenant. The Property is legally described AS FOLLOWS: Section 12 Township 20 Range 03 Quarter 24 LOT 2 OF BLA 2006-07-24-5003 DESC AS FOLL BEG AT PT ON SLY LI 20TH ST E BEING NE COR OF PARCEL CYD PER AFN 2005-11-14-1440 TH S 88 DEG 24 MIN 54 SEC E 384.83 FT TH S 02 DEG 02 MIN 00 SEC E 696.23 FT TH N 88 DEG 37 MIN 17 SEC W 135.51 FT TH N 44 DEG 56 MIN 00 SEC W 140.31 FT TH N 29 DEG 05 MIN 52 SEC W 100.27 FT TH N 01 DEG 14 MIN 23 SEC E 107.12 FT TH N 89 DEG 58 MIN 11 SEC W 147.69 FT TH N 54 DEG 14 MIN 11 SEC W 168.77 FT TH N 01 DEG 48 MIN 31 SEC E 106.81 FT TH N 88 DEG 41 MIN 14 SEC W 39.94 FT TH N 01 DEG 35 MIN 06 SEC E 90 FT TH N 53 DEG 35 MIN 51 SEC E 191.72 FT TH N 01 DEG 35 MIN 06 SEC E 570 FT TO POB EXC N 5 FT CYD TO CY OF FIFE BY ETN 4154181 EASE OF REC OUT OF 2-012, 2-013, 2-033, 2-056, 6-017 & 6-018 SEG 2007-0185 LW08/17/06LW DC/BL 06-21-07BL.

CMKM LLC 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 diesel-range petroleum hydrocarbons (heating oil) contaminated soil located in the northeast corner of the subject property with an area occupied by or adjacent to utilities. Long-term groundwater monitoring is required for the property to confirm residual soil contamination is not impacting the property groundwater. The groundwater is to be sampled every 18 months, and the groundwater is to be analyzed for diesel-range petroleum and standard field parameters. Within 90-days, a groundwater monitoring report/memo shall be submitted to Ecology for review. The long-term monitoring plan is required to be reviewed by Ecology and attached as an appendix to this document. 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 Covenant and notify all lessees 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 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, to determine compliance with this Covenant, 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 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.

CMKM LLC


C.E. Walters Jr.
Administrative Manager

Dated: 9-20-12

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY


[Name of Person Acknowledging Receipt]
[Title] SWRO Section Manager
T&P
Dated: 5/24/12

STATE OF WASHINGTON
COUNTY OF PICER

[CORPORATE ACKNOWLEDGMENT]

On this 30 day of APRIL, 2013, I certify that C. E. WALTERS JR personally appeared before me, acknowledged that he/she is the ADMINISTRATIVE MGR. 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.

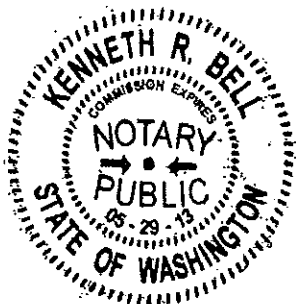
Kenneth R. Bell

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

SEATTLE

My appointment

expires 5/29/13



ENVIRONMENTAL COVENANT - ATTACHMENT A
MIZUKAMI PROJECT SITE (VCP SW1137)
4524 20th Street East, Fife, Washington
Long-Term Groundwater Monitoring Plan
January 2012

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TABLES

TABLE 1	PROPOSED SAMPLING DATES: FIRST FIVE-YEAR INTERVAL
TABLE 2	CONTAMINANTS OF CONCERN

FIGURE

FIGURE 1	LONG-TERM GROUNDWATER MONITORING SITE AND WELL LOCATION MAP
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MIZUKAMI PROJECT SITE (VCP SW1137)
4524 20th Street East, Fife, Washington
Long-Term Groundwater Monitoring Plan
January 2012

1.0 Introduction

1.1 Purpose and Site Identification

This work plan details the Post-No Further Action (NFA) groundwater monitoring required by environmental covenant at the Mizukami project site located in Fife, Washington. The site is located at 4524 20th Street East, Fife, Pierce County, Washington. The parcel is bordered by 20th Street to the north and Frank Albert Road to the east. Across Frank Albert Road is a commercial business park. The subject site is bordered on the south and west by property under the same ownership, CMKM, LLC, as the subject site. Pierce County Assessor-Treasurer records indicate the subject property is identified as tax parcel number 0320126023.

1.2 Regional Geology/Hydrogeology

The subject property is mapped by the *Geological Map of the Puyallup 7.5 Minute Quadrangle, Washington* (Troost, in review) as being Quaternary alluvium (Qal). This alluvium is composed of over-bank deposits associated with the Puyallup River consisting of generally fine to very fine sand, silts, and clay. The soils in the area of the subject have been classified by the United States Department of Agriculture, as published in the *Soil Survey for the Pierce County Washington Area, 1977*, as Puyallup fine sandy loam. Previous site activities found groundwater occurring within the alluvial sediments at a depth of approximately six to seven feet below ground surface.

2.0 Background

The site is currently developed as a commercial warehouse. The current owner, CMKM, LLC, purchased the (then) residential property in July 2003. At that time, a heating-oil underground storage tank (UST) was excavated for removal. An aboveground, heating-oil storage tank was also in close proximity to this excavation. Fuel-oil service lines associated with this aboveground tank failed during the winter of 2003 and resulted in a leakage of over 150 gallons of diesel fuel into the subsurface. The impacted soil was excavated and removed offsite for disposal. A small area of impacted soil was not excavated due to its location in a sensitive utility right-of-way adjacent to the subject property.

Previous efforts have established that groundwater concentrations of diesel and diesel-range organics do not exceed MTCA Method A groundwater levels. However, some soil contamination has been shown to remain underneath the sidewalk and utility right-of-ways. Implementation of institutional controls has been selected as the most appropriate closure mechanism for this residual soil impact. These controls are specified in the environmental covenant to which this long-term monitoring plan is appended.

4.0 Quality Assurance/Quality Control (QA/QC)

4.1 Daily Field QA/QC

The project manager will review documentation including sample logs, custody forms, and field logs prior to samples being delivered to the laboratory. Review will be done for completeness, accuracy, and consistency.

4.2 Sample Packaging and Shipping

The groundwater samples collected for chemical analysis will be kept out of direct sunlight and checked for label completeness and cap tightness. All samples submitted to the laboratory shall be thermally preserved in the field (four degrees Celsius) immediately after sample collection by placing them upright in a pre-cooled, insulated ice chest containing uncontaminated blue ice. Only coolers constructed of plastic or fiberglass standard to those provided by environmental analytic laboratories will be used. The coolers will not have drains.

4.3 Chain-of-Custody

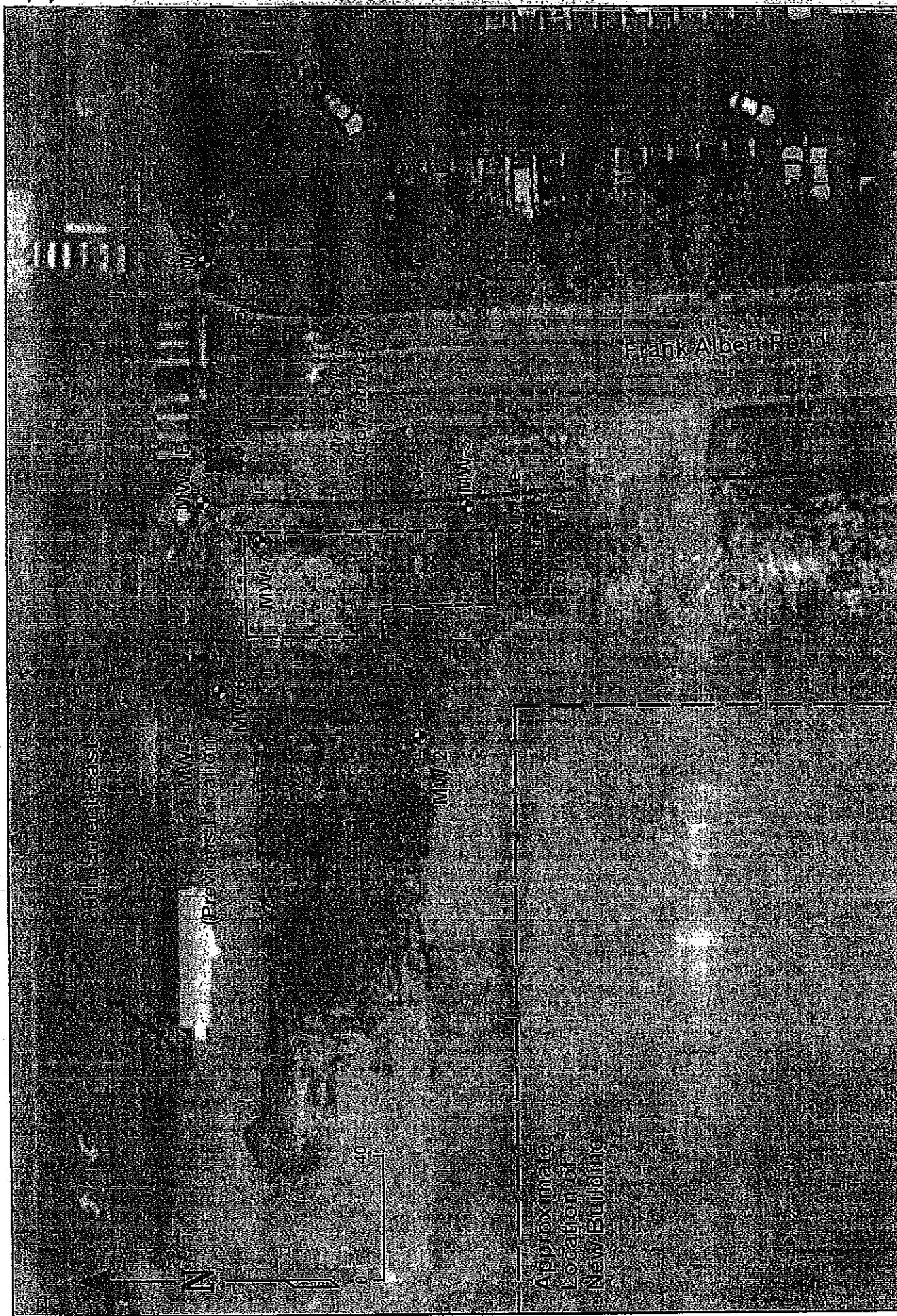
A chain-of-custody form will accompany samples submitted to the laboratory.

4.4 Laboratory QA/QC

A narrative regarding quality assurance and quality control will be provided with the laboratory analysis reports. This narrative will indicate whether or not quality control is within acceptable limits.

5.0 Reporting

Each monitoring event will be documented in a report that will be submitted to Ecology within 90-days of the monitoring event. The report will document the collection and analysis of the samples, present the analytical data, and comment on the quality assurance and quality control for the project. The reports will include interpretation of the data and include any recommendations that the data may warrant.





**ROBINSON
NOBLE**

Note: Image taken
from USGS Terra
Server Website

PM: JFH
January 2012
2203-001B

Pierce County
T 20 N/R 03 E - 12
Scale 1" = ~40'

Figure 1
Long-term Groundwater Monitoring Site and Well Location Map
Mizukami Project: 20th Street/Remedial Investigation



www.cityoffife.org

RECEIVED

MAY 15 2012

WA State Department
of Ecology (SWRO)

Council
Richard Godwin
Tim Curtis
Glenn Hull
Pat Hulcey
Mayor Rob Cerqui
Dee-Dee Dukes-Gethers
Lew Wolfstrom

March 27, 2012

City Manager
Dave Zabell

City Attorney
Loren Combs

City Clerk
Carol Etgen

*Community Development
Director*
David Osaki

*Finance Director
Treasurer*
Dave DeGroot

*Parks, Recreation
& Community Services
Director*
Kurt Reuter

Police Chief
Brad Blackburn

*Public Works Director
City Engineer*
Russ Blount

Public Works
3725 Pacific Hwy. E
Fife, WA 98424-1135
(253) 922-9315

*James M. Paulson
Criminal Justice Center*
3737 Pacific Hwy. E
Fife, WA 98424-1135
(253) 922-6633

Fife Community Center
2111 - 54th Avenue E
Fife, WA 98424-2061
(253) 922-0900

Fife Swim Center
5410 - 20th Street E
Fife, WA 98424-2061
(253) 922-7665

Fife City Hall
5411 - 23rd Street E.
Fife, WA 98424-2061
(253) 922-2489
Fax: (253) 922-5355

John F. Hildenbrand
Environmental Services Manager
Robinson Noble, Inc.
3011 South Huson Street, Suite A
Tacoma, WA 98409

SUBJECT: Environmental Covenant/NFA Issuance
Gensco-Mizukami Site, 4524 20th Street East, Fife, WA

Dear Mr. Hildenbrand:

This letter is to acknowledge receipt of the covenant for the Gensco-Mizukami site located at 4524 - 20th Street East, Fife, WA, per WAC 173-340.

With this letter, we also request a copy of the finalized covenant and no-further-action (NFA) determination when the process is complete.

Thank you,

Beverly Boyle
Senior Planner
City of Fife

Cc: file

