



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

November 16, 2006

Mr. Steve Perry  
23051 Military Road South  
Kent, WA 98032

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

- Name: Kent – Poulsbo RV
- Address: 23051 Military Road South, Kent, WA 98032
- Facility/Site No.: 78643737
- VCP No.: NW1486

Dear Mr. Perry:

Thank you for submitting your independent remedial action report for the Kent – Poulsbo RV 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.

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

1. Tank Removal Observation and Limited Environmental Site Assessment of Valley I-5, prepared by Enviro on October 15, 1991.



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2. Underground Storage Tank Closure Site Assessment, Valley I-5 Motor Home, Kent, Washington, prepared by Sound Environmental Consulting on December 4, 1998.
3. Phase I Environmental Site Assessment, Poulsbo RV, prepared by LSI Adapt on June 14, 2004.
4. Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV prepared by LSI Adapt on August 6, 2004.
5. Supplemental Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV prepared by LSI Adapt on July 14, 2005.

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 (gasoline range), benzene and xylene in Soil.

The Site is more particularly described in Enclosure A to this letter. 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.

This opinion is based on the continued effectiveness of the institutional control required as part of the cleanup action for the Site under WAC 173-340-440. A copy of the Restrictive Covenant filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure B. If any portion of any Restrictive Covenant is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

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 Leaking Underground Storage Tank (LUST) List.

This no further action determination does not apply to any other release(s) or potential release(s)

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of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Mr. Steve Perry.

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 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.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at (425) 649-4310.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jing Liu', with a long horizontal flourish extending to the right.

Jing Liu  
NWRO Toxics Cleanup Program

Enclosures: 2  
CC: Mr. Chuck Cacek, LSI Adapt

## Enclosure A

The property is located at 23051 Military Road South in Kent, King County. The subject site is an irregular-shaped, 6.7 acres parcel composed of two separate tax lots. The site is currently occupied by Poulsbo RV, a recreational vehicle sales and service facility. The majority of the site is asphalt paved, with facility buildings located in the northern and southern portions of the site. A bakery store separates the northern and southern portions of the site, with a narrow asphalt drive linking the two portions along the western perimeter.

A 10,000-gallon gasoline underground storage tank (UST) located on the northern portion of the property was removed in 1991. The results from the environmental site assessment conducted after the tank removal indicated that the tank was in good condition, and all the confirmational samples met the MTCA Method A cleanup levels for soils.

Three petroleum USTs, including two 2,000-gallon gasoline USTs and one 1,000-gallon used oil UST and a pump were decommissioned and removed in 1998 for the previous property owner, "Valley I-5". The three USTs were located in the east side of the southern building. The UST closure report indicated that about five cubic yards of impacted soils were removed and disposed off site. Results from the confirmational soil samples indicated gasoline range total petroleum hydrocarbons exceeded MTCA Method A cleanup levels for soils.

More recent environmental site assessment studies were conducted by LSI Adapt in 2004 and 2005. The results indicated that petroleum contaminated soil remains in the area of the former gasoline USTs and pump, adjacent to the east side of the southern building on the subject property. It was estimated that approximately 50 to 100 cubic yards of petroleum contaminated soils remain at depths greater than about 10 feet below ground surface adjacent to the east side of the southernmost building. However, the residual contaminants do not appear to have impacted the local near-surface groundwater, which is in excess of 30 feet in depth.

"AMERICA'S BEST PRICES"

# POULSBO RV

www.poulsborv.com

November 14, 2006

Jing Liu  
Washington State Department of Ecology  
Toxics Cleanup Program  
3190 – 160<sup>th</sup> SE  
Bellevue, WA 98008

Re: Poulsbo RV, Inc. - Military Road Investments, LLC  
Independent Remedial Action  
23051 Military Road South  
Kent, WA 98032

RECEIVED  
NOV 15 2006  
DEPT OF ECOLOGY

Dear Ms. Liu:

Enclosed please find a certified copy of a restrictive covenant recorded on the above mentioned property in accordance with the instructions in your letter dated November 22, 2005 to Mr. Steve Perry of Poulsbo RV. There has been no further correspondence between us or the City of Kent or King County regarding this particular covenant.

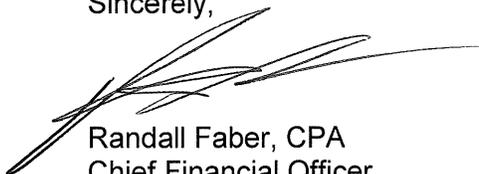
As I understand, this restrictive covenant will allow the Department of Ecology to issue a No Further Action determination regarding the subject property.

If you have any questions, please give me a call at 206-824-7170 or write me at the address below.

23051 Military Road South  
Kent, WA 98032

Thank you for your attention in this matter.

Sincerely,



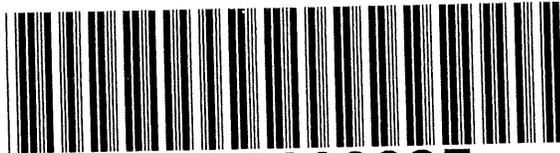
Randall Faber, CPA  
Chief Financial Officer  
Poulsbo RV, Inc.

Enc.

AUBURN	EVERETT	KENT I-5	MOUNT VERNON	POULSBO	VANCOUVER
3905 Auburn Way North Auburn, WA 98002 Telephone: 800-568-1678	12218 Highway 99 South Everett, WA 98204 Telephone: 800-556-3878	23051 Military Road South Kent, WA 98032 Telephone: 800-562-2323	517 Jacks Lane Mount Vernon, WA 98273 Telephone: 888-413-1112	19705 Viking Avenue NW Poulsbo, WA 98370 Telephone: 800-768-5726	17611 NE Union Road Ridgefield, WA 98642 Telephone: 866-573-2828

**Return Address:**

Military Road Investments, LLC  
23051 Military Road S  
Kent, WA 98032



**20061009000085**

ALBERTSON COV 36.00  
PAGE 001 OF 005  
10/09/2006 08:58  
KING COUNTY, WA

Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)**

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

- 1. Restrictive Covenant
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

- 1. Military Road Investments, LLC
- 2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

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

- 1. Military Road Investments, LLC
- 2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

152204 27 Ptn Parcel A, Ptn. Parcel B, Less Ptn conveyed to City of Kent for 36th Ave S under Rec No.

20050919002618

Additional legal is on page 1 of document.

**Assessor's Property Tax Parcel/Account Number**

1552049027

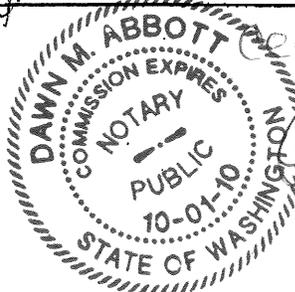
Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. 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.

*Dana M. Abbott*

Signature of Requesting Party



*certified copy of an original*  
*Dana M. Abbott*

WHEN RECORDED RETURN TO:

Military Road Investments, LLC

23051 Military Road S

Kent, WA 98032

### **RESTRICTIVE COVENANT**

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440, Military Road Investments, LLC, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

**Legal Description:** 152204 27 PARCEL A: PORTION OF SW QTR NW QTR STR 15-22-05 LYING WLY OF W MARGIN OF OLD MILITARY ROAD S & ELY OF E MARGIN OF PRIMARY STATE HWY NO 1 EXE N 460 FT THEREOF; EXC S 479.30 FT; EXC PORTION CONVEYED TO STATE OF WA FOR PRIMARY STATE HIGHWAY NO 1 BY DEED UNDER RECORDING NO 5094448; PARCEL B: PORTION OF SLY 300 FT OF SW QTR NW QTR STR 15-22-04 LYING WEST OF OLD MILITARY ROAD EXC PORTION CONVEYED TO STATE OF WA FOR HIGHWAY PURPOSES BY DEED UNDER RECORDING NO 5094447; (BEING A PORTION OF PROPOSED LOT "A" DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-2001-8 RECORDING NO 20010712001789--PORTION BEING WITHIN LEVY CODE 1551) EXC PORTION CONVEYED TO CITY OF KENT FOR 36TH AVE S BY DEED UNDER RECORDING NO 20050919002618

**King County Tax Parcel I.D. #:** 1552049027

**RESTRICTIVE COVENANT**  
**Military Road Investments, LLC**

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

- *Tank Removal Observations and Limited Environmental Site Assessment, Valley I-5, 23005 Military Road South, Kent Washington* (completed by Enviro for Valley I-5, Enviro Report No. 910714.02, dated October 15, 1991)
- *Underground Storage Tank Closure Site Assessment, Valley I-5 Motor Home, 23051 Military Road South, Kent, Washington* ( completed by Sound Environmental Consulting for Valley I-5, dated December 4, 1998, Sound Environmental Consulting Report No. 1798)
- *Phase I Environmental Site Assessment, Kent – Poulsbo RV, 23051 Military Road South, Kent, Washington* ( completed by LSI Adapt, Inc. for U.S. Bank, dated June 14, 2004, LSI Adapt, Inc. Report No. WA04-11238-PH1)
- *Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV, 23051 Military Road South, Kent, Washington* ( completed by LSI Adapt, Inc. for U.S. Bank, dated August 6, 2004, LSI Adapt, Inc. Report No. WA04-11238-PH2)
- *Supplemental Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV, 23051 Military Road South, Kent, Washington* ( completed by LSI Adapt, Inc. for U.S. Bank, dated July 14, 2005, LSI Adapt, Inc. Report No. WA04-11238-PH2)

These documents are on file at Ecology's Northwest Regional Office in Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline-range total petroleum hydrocarbons (1,200 ppm), benzene (0.17 ppm) ethylbenzene (22.2 ppm) and xylenes (133 ppm) which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-900.

The undersigned, Military Road Investments, LLC, 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 as follows:

152204 27 PARCEL A: PORTION OF SW QTR NW QTR STR 15-22-05 LYING WLY OF W MARGIN OF OLD MILITARY ROAD S & ELY OF E MARGIN OF PRIMARY STATE HWY NO 1 EXE N 460 FT THEREOF; EXC S 479.30 FT; EXC PORTION CONVEYED TO STATE OF WA FOR PRIMARY STATE HIGHWAY NO 1 BY DEED UNDER RECORDING NO 5094448; PARCEL B: PORTION OF SLY 300 FT OF SW QTR NW QTR STR 15-22-04 LYING WEST OF OLD MILITARY ROAD EXC PORTION CONVEYED TO STATE OF WA FOR HIGHWAY PURPOSES BY DEED UNDER RECORDING NO 5094447; (BEING A PORTION OF PROPOSED LOT "A" DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-2001-8 RECORDING NO 20010712001789--PORTION BEING WITHIN LEVY CODE 1551) EXC PORTION CONVEYED TO CITY OF KENT FOR 36TH AVE S BY DEED UNDER RECORDING NO 20050919002618

Military Road Investments, 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 gasoline-range TPH benzene, ethylbenzene, and xylenes contaminated soil located immediately adjacent to and under the southeast portion of the southern maintenance and sales building. The Owner shall not alter, modify, or remove the existing structure 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."

"Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. 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 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 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 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.

Richard Wakazuru

Richard Wakazuru, General Manager  
Military Road Investments, LLC

9/18/06  
Date

STATE OF WASHINGTON, )

County of King )

ss.

On this day personally appeared before me Richard Wakazuru, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that it was signed as a free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 18<sup>th</sup> day of September, 2006



Dawn M. Abbott  
NOTARY PUBLIC: (print name) Dawn M. Abbott  
State of Washington, residing in Port Angeles  
My appointment expires 10/01/06