



PERIODIC REVIEW

**Asahipen America, Inc.
Facility Site ID#: 2034**

**1128 Southwest Spokane Street,
Seattle, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

September 2011

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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 Asihpen America, Inc. (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. The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. 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 opinion, 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; or
 - 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; and
- (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 CONDITIONS

2.1 Site Description and History

The property was known as the Asahipen America (Aspen Paint) company located at 1128 SW Spokane Street in Seattle, King County, Washington. Now, there is Pacific Sheet Metal and Roofing doing business in the building.

2.2 Site Investigations and Sample Results

Employees suspected a leak in late 2000 in a 2-inch metal underground pipeline supplying an underground storage tank (UST) containing heavy bunker oil along the north side of the building. To determine if and where the leak had occurred, an approximate 2-foot wide by 20-foot long section of concrete pavement overlying the pipeline was removed and the soil excavated to a depth of approximately 2 feet below grade. The top of the pipeline was discovered at approximately 1.5 feet below grade. A break in the pipeline, likely from rusting of the metal, was confirmed within this excavation area. Ecology was notified of the release. In turn, Ecology issued their number 2034 to track this incident.

On seeing the condition of the pipeline, it was decided to abandon it in place and replace it with an aboveground plastic pipeline in the same area.

2.3 Cleanup Actions

The leaking pipeline is located in an area between the north wall of the building and a railroad line for box cars used to store and transport materials and product from the facility. Because of these Site constraints, soil excavation was limited to that area where the concrete pavement had already been removed so as not to compromise the integrity of these improvements.

Fill material within the subject area consists primarily of brick and concrete debris mixed with some sandy soil. A petroleum odor and sheen was noted within this fill material. The area was excavated to approximately 3 feet below grade, where a concrete slab was encountered. This slab extends from west to east along the bottom of the entire excavation area, as well as to the north toward the railroad line. The slab may be part of the footing for the building, or could be pavement from previous grade for the property during some point in its history.

Overall, a total of 5.73 tons of petroleum contaminated soil was excavated from the subject area. This material was disposed of at Waste Management's Alaska Street Reload and Recycling facility in Seattle under their permit number 549828.

A total of 7 soil samples were collected from the excavation area and analyzed for petroleum content (diesel and heavy oil). Sample numbers 1, 2 and 3 were collected along the bottom north wall of the excavation. Sample numbers E, X and W were collected beneath the concrete footing

for the building inside a crawl space area directly south of the pipeline. Sample number 1N was collected north of the pipeline between the rail line and the northern property boundary. Table 1 (below) describes the results.

Diesel and oil contamination remains in the soil at the Site at concentrations that are above current MTCA cleanup standards. However, based on sampling data, this contamination is limited to the area directly adjacent and to the west and east of the break in the pipeline and along the top of a concrete slab approximately 3 feet below grade. This contamination was not detected at concentrations above the MTCA limits in areas beneath the building footing/concrete slab, nor was it detected to the north near the northern property boundary.

Because of the location of this residual soil contamination and its proximity to the building foundation and railroad line, further excavation is not feasible without possibly compromising the integrity of these improvements. Ecology agreed and issued a 'No Further Action' letter August 15, 2006, after a restrictive covenant was recorded with the county.

Table 1. Soil verification sampling data. Aspen Paint. 1128 SW Spokane Street. Seattle, Washington.

| Sample Number | Location/Description | Analysis | Analytical Result (ppm) | MTCA Cleanup Standard (ppm) |
|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------|-----------------------------------------|
| 1 | Bottom-west portion of north sidewall of excavation. Approximately 3 feet below grade near the top of the concrete slab. Brick and concrete debris with some sandy soil. Petroleum odor. | Diesel Oil | 34,000 diesel 34,000 oil | 2,000 diesel 2,000 oil |
| 2 | Bottom-central portion of north sidewall of excavation. Directly north of break in pipeline. Approximately 3 feet below grade near the top of the concrete slab. Brick and concrete debris with some sandy soil. Petroleum odor. | Diesel Oil | 34,000 diesel 30,000 oil | 2,000 diesel 2,000 oil |
| 3 | Bottom-east portion of north sidewall of excavation. Approximately 3 feet below grade near the top of the concrete slab. Brick and concrete debris with some sandy soil. Petroleum odor. | Diesel Oil | 32,000 diesel 28,000 oil | 2,000 diesel 2,000 oil |

Table 1 (continued). Soil verification sampling data. Aspen Paint. 1128 SW Spokane Street. Seattle, Washington.

| Sample Number | Location/Description | Analysis | Analytical Result (ppm) | MTCA Cleanup Standard (ppm) |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------------------------|-----------------------------|
| E | Inside crawl space beneath building footing. Approximately 22 feet east of the break in the pipeline and 6.5 feet directly beneath the pipeline (8 feet below existing grade and 5 feet below the concrete slab). Sandy soil with some petroleum odor. | Diesel Oil | 700 diesel 1,000 oil | 2,000 diesel 2,000 oil |
| X | Inside crawl space beneath building footing. Approximately 6.5 feet directly beneath the break in the pipeline (8 feet below existing grade and 5 feet below the concrete slab). Sandy soil. No obvious petroleum odor. | Diesel Oil | ND(5.4) diesel ND(11) oil | 2,000 diesel 2,000 oil |
| W | Inside crawl space beneath building footing. Approximately 15 feet west of the break in the pipeline and 3 feet directly beneath the pipeline (4.5 feet below existing grade and 1.5 feet below the concrete slab). | Diesel Oil | 18 diesel 12 oil | 2,000 diesel 2,000 oil |
| IN | Approximately 14 feet directly north of the break in the pipeline and 5 feet below grade (there was no concrete slab in this area). Sandy soil. No obvious petroleum odor. | Diesel Oil | ND(5) diesel ND(10) oil | 2,000 diesel 2,000 oil |

ND(5.4) Analyte was not detected in the sample at the analytical detection limit of 5.4 parts-per-million (ppm).

2.4 Cleanup Levels

MTCA Method A cleanup standards were used to set cleanup levels at the conditional points of compliance and to evaluate protectiveness throughout the Site.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2006 which imposed the following limitations:

Section 1.

A. The Property shall be used only for traditional industrial uses, as described in RCW 70.1050.020(23) and defined in and allowed under the City of Seattle zoning regulations.

B. A portion of the Property may contain petroleum contaminated soil located under the railroad track and north wall foundation of the building, near the loading dock, as described in the reports listed above. The Owner shall not alter, modify, or remove the railroad track or existing structure of the building 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 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.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on September 21, 2011, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The remedy appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is operating as a sheet metal and roofing company. A photo log is available as Appendix 6.5.

Soils with petroleum concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

3.2 New scientific information for individual hazardous substances for mixtures present at the Site

There is no new scientific information for the contaminants related to the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

The cleanup at the Site was governed by Chapter 173-340 WAC. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, the change does not appear to affect this cleanup. Contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

| Analyte | 1991 MTCA Method A Soil Cleanup Level (ppm) | 2001 MTCA Method A Soil Cleanup Level (ppm) | 1991 MTCA Method A Groundwater Cleanup level (ppb) | 2001 MTCA Method A Groundwater Cleanup Level (ppb) |
|----------------|----------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| Cadmium | 2 | 2 | 5 | 5 |
| Lead | 250 | 250 | 5 | 15 |
| TPH | NL | NL | 1000 | NL |
| TPH-Gas | 100 | 100/30 | NL | 1000/800 |
| TPH-Diesel | 200 | 2000 | NL | 500 |
| TPH-Oil | 200 | 2000 | NL | 500 |

NL = None listed

3.4 Current and projected Site use

The Site is currently used for commercial and industrial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. 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 action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

4.1 Next Review

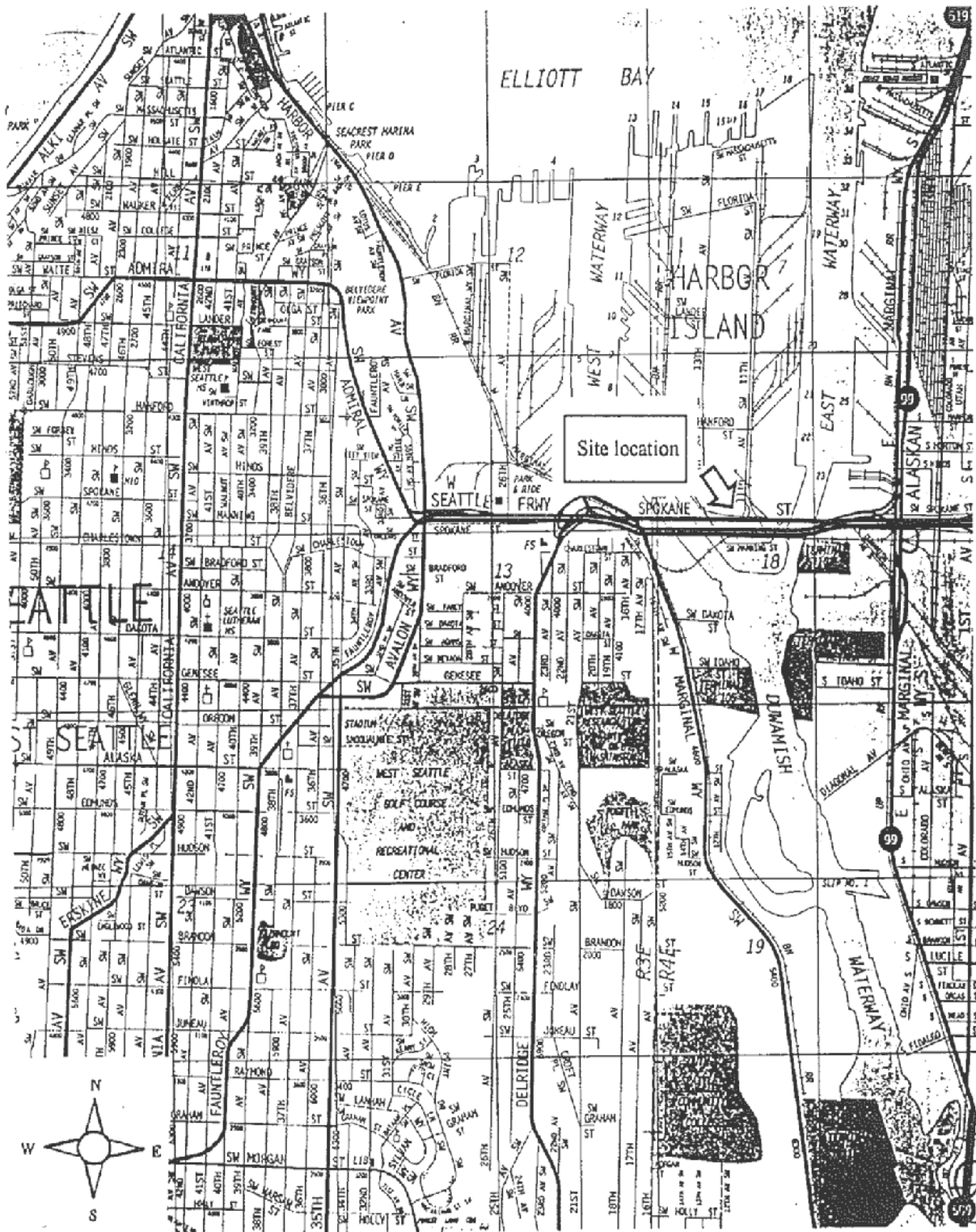
The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

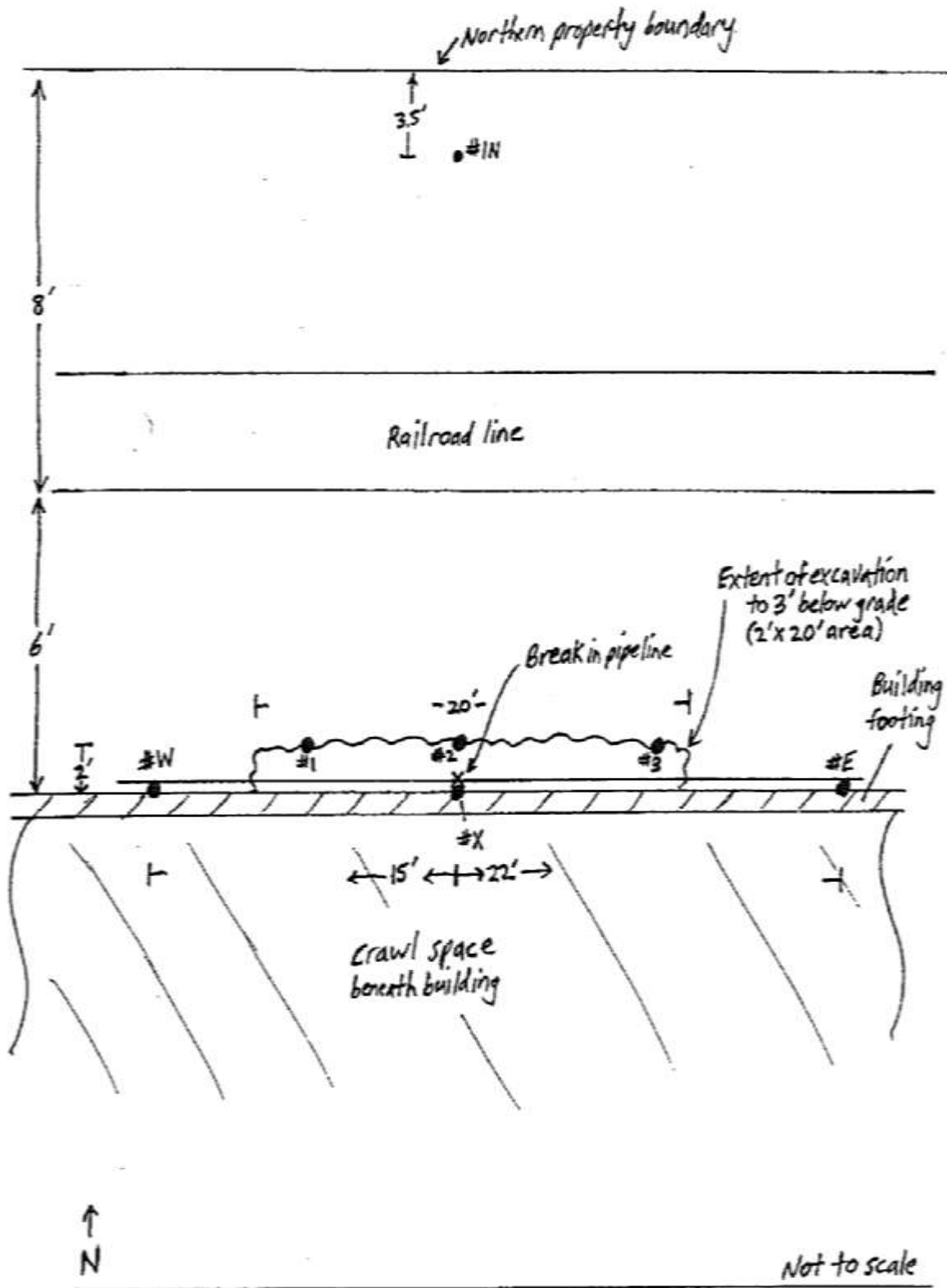
1. Report titled "Soil Excavation and Verification Sampling Report, Seattle, Washington", prepared for Asahipen America, Inc., Seattle, WA. by EcoCompliance Corporation, Renton, WA., and dated September 5, 2001.
2. 2006 Restrictive Covenant;
3. Ecology, 2011 Site Visit.

6.0 APPENDICES

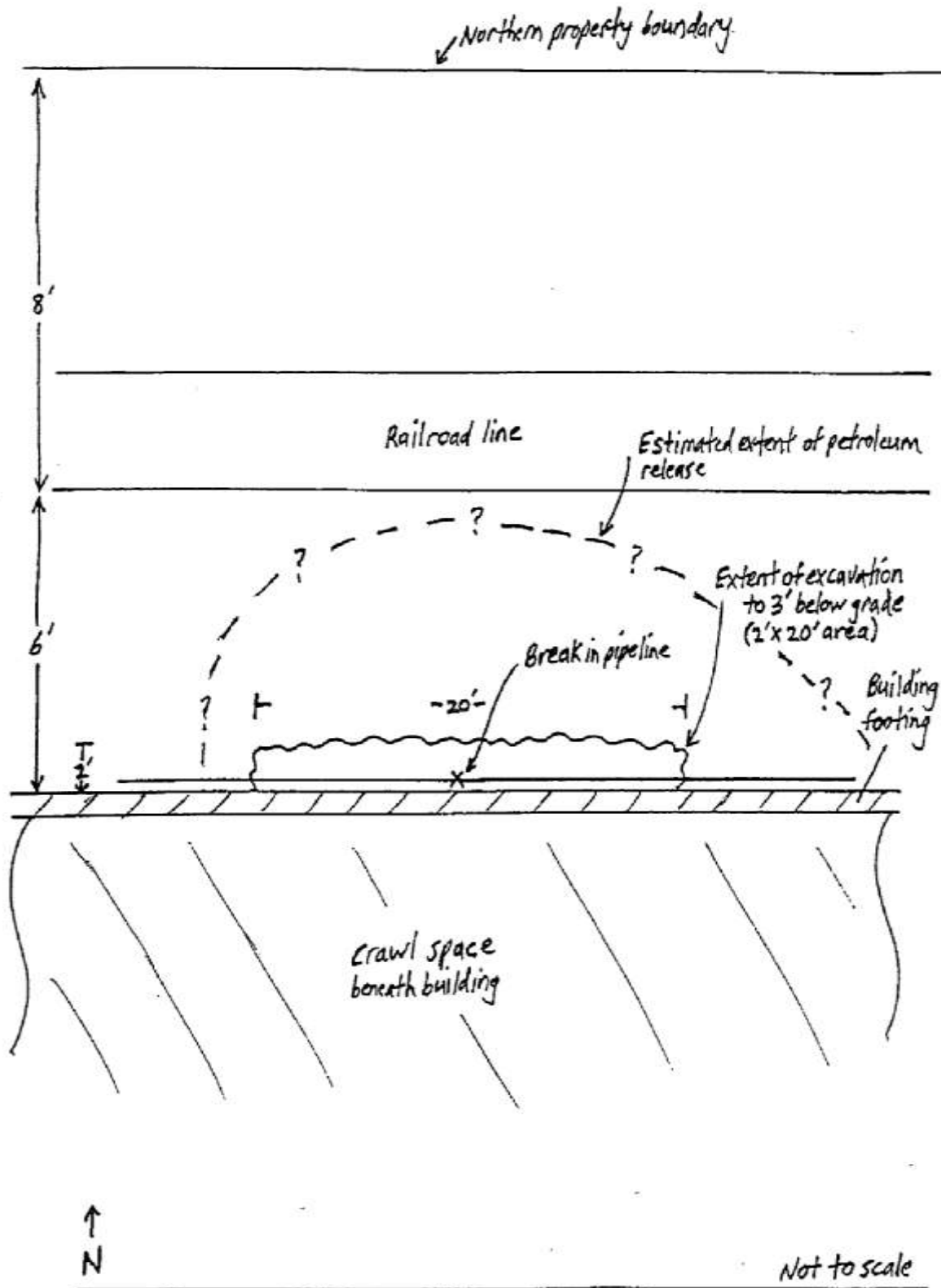
6.1 Vicinity Map



6.2 Site Plan



6.3 TPH-Location Map



6.4 Environmental Covenant

Return Address:

ASAHIPEN AMERICA, INC
1128 SW SPOKANE ST.
SEATTLE, WA 98134-1197



20060703000778

ASAHIPEN AMERI COV 38.00
PAGE001 OF 007
07/03/2006 11:08
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. ASAHIPEN AMERICA INC, ASPEN PAINTS
- 2. _____

Additional names on page _____ of document.

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

- 1. Department of Ecology, County of King
- 2. _____

Additional names on page _____ of document.

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

LOTS 21, 22, AND 23 BLOCK 400, SEATTLE TIDELANDS

Additional legal is on page _____ of document: ATTACHMENT A

Assessor's Property Tax Parcel/Account Number

746670-2165

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.

Signature of Requesting Party

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Restrictive Covenant
Page 1

RESTRICTIVE COVENANT

Asahipen America, Inc. (Aspen Paint)

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Asahipen America, Inc., b/d/a Aspen Paint (hereafter referred to as "Aspen Paint"), its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter referred to as "Ecology").

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

Report titled "Soil Excavation and Verification Sampling Report, Seattle, Washington", prepared for Asahipen America, Inc., Seattle, WA. by EcoCompliance Corporation, Renton, WA., and dated September 5, 2001.

This document is on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because a Remedial Action has determined that soil at the property may contain

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diesel- and heavy-oil range petroleum hydrocarbons concentrations which exceed the Model Toxics Control Act Method A Cleanup Levels for unrestricted land-use established under WAC 173-340-740.

The undersigned, Aspen Paint, is the fee owner of the real property located at 1128 SW Spokane St., City of Seattle, in the County of King, State of Washington (hereafter referred to as "Property"), that is subject to this Restrictive Covenant. The Property is legally described in Attachment A.

Aspen Paint 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 referred to as "Owner").

Section 1.

A. The Property shall be used only for traditional industrial uses, as described in RCW 70.105D.020(23) and defined in and allowed under the City of Seattle zoning regulations.

B. A portion of the Property may contain petroleum contaminated soil located under the railroad track and north wall foundation of the building, near the loading dock, as described

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in the reports listed above. The Owner shall not alter, modify, or remove the railroad track or existing structure of the building 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 lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from


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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.

By



Hitoshi Kadota, Vice President
Aspen Paint, Owner
ASAHIPEN AMERICA, INC.

Date

June-7-2002

INDIVIDUAL ACKNOWLEDGEMENT

State of Washington
County of King

I certify that I know or have satisfactory evidence that HITOSHI KADOTA

HE is the person who appeared before me, and said person acknowledged that HE signed this instrument and acknowledged it to be HIS free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 19th day of June, 2002

Susan A. Adle
Notary Signature



SUSAN A. ADLE
Name Printed

Everett
Residing in

03/19/2003
My appointment expires

This acknowledgement is attached to Aspen Paint Restorative
Contract

ATTACHMENT A

LEGAL DESCRIPTION

LOTS 21, 22, AND 23, BLOCK 400, SEATTLE TIDELANDS; SITUATED IN THE
COUNTY OF KING, STATE OF WASHINGTON. EXT #1 LESS PORTION
OF STREET DEED UNDER RECORDING #20020508001964
TAX PARCEL # 766670-2165

6.5 Photo log

Photo 1: Spokane Street (south) side of building



Photo 2: Close-up of Spokane Street entrance



Photo 3: North side of the building - from the east. Building add-on possibly partially covers the contaminated area. Note remnants of the railroad tracks in foreground.



Photo 4: North side of the building – from the west

