



## **Third Periodic Review**

Bill's Gas and Country Store  
817 East Woodin Avenue  
Chelan, Washington 98816

Facility Site ID: 55999815  
Cleanup Site ID: 6294

Completed by:

Washington State Department of Ecology  
Central Regional Office  
Toxics Cleanup Program

February 2021

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## 1.0 INTRODUCTION

This document is the Washington State Department of Ecology's (Ecology) third periodic review of post-cleanup site conditions to assure that human health and the environment are being protected at the Bills Gas and Country Store site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 Washington Administrative Code (WAC). The first periodic review for this Site was completed in February 2009 and the second was completed in May 2014. This periodic review will evaluate the period from 2014 through 2020.

Cleanup actions at this Site were completed through the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of petroleum hydrocarbons (TPH) in soil that exceed MTCA Method A cleanup levels established under WAC 173-340-740(2). As a result of residual contamination, institutional controls were required for the Site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires 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
- (d) 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
  - 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;
- (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.

Ecology 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 History**

The Bill's Gas and Country Store property is located in the City of Chelan in Chelan County, Washington. The Site is located at the corner of Woodin Avenue and Clifford Road. Lake Chelan is located approximately one mile to the west, at the end of Woodin Avenue.

The Site has been in operation as "Bill's Cut Rate Gas" for more than thirty years. Two 10,000-gallon gasoline underground storage tanks (USTs) were installed in May 1972. Two 6,000-gallon gasoline USTs were installed in July 1975. One 5,000-gallon gasoline UST was installed in May 1984. Two unregistered 2,000-gallon USTs were installed previous to the installation of the two 10,000-gallon gasoline USTs in May 1972. A vicinity map is provided in Appendix 6.1 and a Site plan is provided in Appendix 6.2.

### **2.2 Cleanup Levels and Point of Compliance**

WAC 173-340-704 states that MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be 'routine', few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

The extent of the Site includes the area containing soil and/or groundwater that have been impacted by the release of petroleum hydrocarbons from the Bills Gas and Country Site. The point of compliance for soil is defined as the area affected by petroleum hydrocarbons released from the Site into soil at concentrations above MTCA Method A cleanup levels, regardless of depth, to protect groundwater.

The groundwater point of compliance is throughout the Site from the uppermost level of the saturated zone to the lowest depth that could possibly be affected by the Site.

### **2.3 Site Investigations and Remedial Activities**

Seven USTs along with two pump islands and all associated piping were removed from the Site in March 1992 prior to the installation of a new UST system. Piping from an unknown third pump island was uncovered to the north of the two existing pump islands. The third abandoned pump island was completely covered with asphalt. The material removed consisted of sand fill, which was used to fill around the tanks when they were originally installed. Finely

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laminated indigenous clay was encountered approximately two feet beneath the bottom of the tanks, and it acted as a barrier to migrating contamination. This clay was saturated with petroleum product and had a very strong odor.

The original excavation extended to a depth of 15 feet below ground surface (bgs), as did the three pump island trenches. The trenches for the three pump islands were widened to six to eight feet, and an estimated total 1,200 yards of contaminated soil were removed. The first 1,200 yards of contaminated soil were transported to a fruit orchard east of town, and treatment consisted of dumping it alongside the road. This Site was not approved by the Chelan County Health Department or the Central Office of Ecology, and the contaminated soil was later transported to the East Wenatchee landfill for disposal. Following the analysis of confirmational samples collected from the limits of the excavation, an additional 1,300 yards of contaminated soil were removed from the Site. The contaminated soil was transported to another property, located approximately nine miles to the east and south from Bill's Cut Rate station in Chelan, for land farming.

Confirmation samples were collected from the limits of the excavations. A number of the samples analyzed were above MTCA Method A cleanup levels for TPH and for benzene, toluene, ethylbenzene, and xylenes (BTEX). Contamination was found beneath five of the USTs and the three pump islands. No holes were discovered in the tanks when they were cleaned and inspected, thus the release was believed to be associated with the plumbing of the piping system, and to improper original installation. In total, over 250 truckloads were excavated and hauled away from the gas station Site.

In November 1999, a subsurface investigation was conducted by Cascade Drilling, Co. Soil sampling was conducted underneath each existing dispenser. The dispenser pumps were opened and the inside was observed for signs of leaks or discolored soil. No obvious contamination was evident at any of the pumps. The inspection of the three underground storage tanks revealed no evidence of non-compliance. The soil testing found no contamination with petroleum hydrocarbons associated with the dispensers at the Site.

In 2000, Ecology requested an additional investigation to determine whether groundwater had been impacted by residual contaminated soils. A study of groundwater wells in the area determined that groundwater was located at depths greater than 85 feet below ground surface, and was not likely impacted by residual contaminated soils found at the Site.

## **2.4 Institutional Controls**

It was determined that the Site would be eligible for a no further action (NFA) determination if institutional controls were implemented in the form of a restrictive covenant. A restrictive covenant was recorded for the Site in 2003 and Ecology issued a NFA determination shortly thereafter. The restrictive covenant contained the following limitations:

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1. A portion of the property may contain petroleum-contaminated soil located under a portion of the existing 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 any possible contaminated soil or create a new exposure pathway without prior written approval from Ecology”.
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.
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.
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.
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.
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.
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.
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.

The restrictive covenant is available as Appendix 6.4.

## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

#### **3.1.1 Direct Soil Contact**

Based upon the Site visit conducted on February 2, 2021, the Site continues to operate as a retail gas station store. The store structure appears as it did during the first periodic review. The portion of the Site containing residual contaminated soils is covered by an asphalt parking area and building foundations. The asphalt surface area in the vicinity of the residual contaminated soils appears cracked but undisturbed. This surface continues to eliminate direct contact exposure pathways (ingestion, contact) to contaminated soils. A photo log is available as Appendix 6.5.

#### **3.1.2 Institutional Controls**

Following the UST removals and remedial actions, it was determined that the Site would be eligible for a no further action determination if institutional controls were implemented in the form of a restrictive covenant. A restrictive covenant was recorded for the Site in 2003 and remains active. This restrictive covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup 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 cap. There is no evidence that another instrument has been recorded that would limit the applicability or effectiveness of the environmental covenant.

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

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

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

There are no new relevant laws that have been implemented since the NFA determination was issued in 2003 that impact decisions made at this Site.

### **3.4 Current and projected Site use**

The Site is currently used for commercial 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 MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The covenant for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.
- If the building is removed or replaced, contaminated soils beneath the Site must be remediated.

Based on this periodic review, Ecology has determined the restrictions in the environmental covenant are being observed. No additional remedial 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 Site surface 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

Blue Ridge Associates, Inc. *Site Assessment and Decommissioning*. August 10, 1992.

Trabusiner, Peter. *UST-Site Investigation and Final Cleanup Report*. December 27, 1999.

Ecology. *Restrictive Covenant*. December 18, 2003.

Ecology. *No Further Action Determination Letter*. December 31, 2003.

Ecology. *Periodic Review*. February 2009.

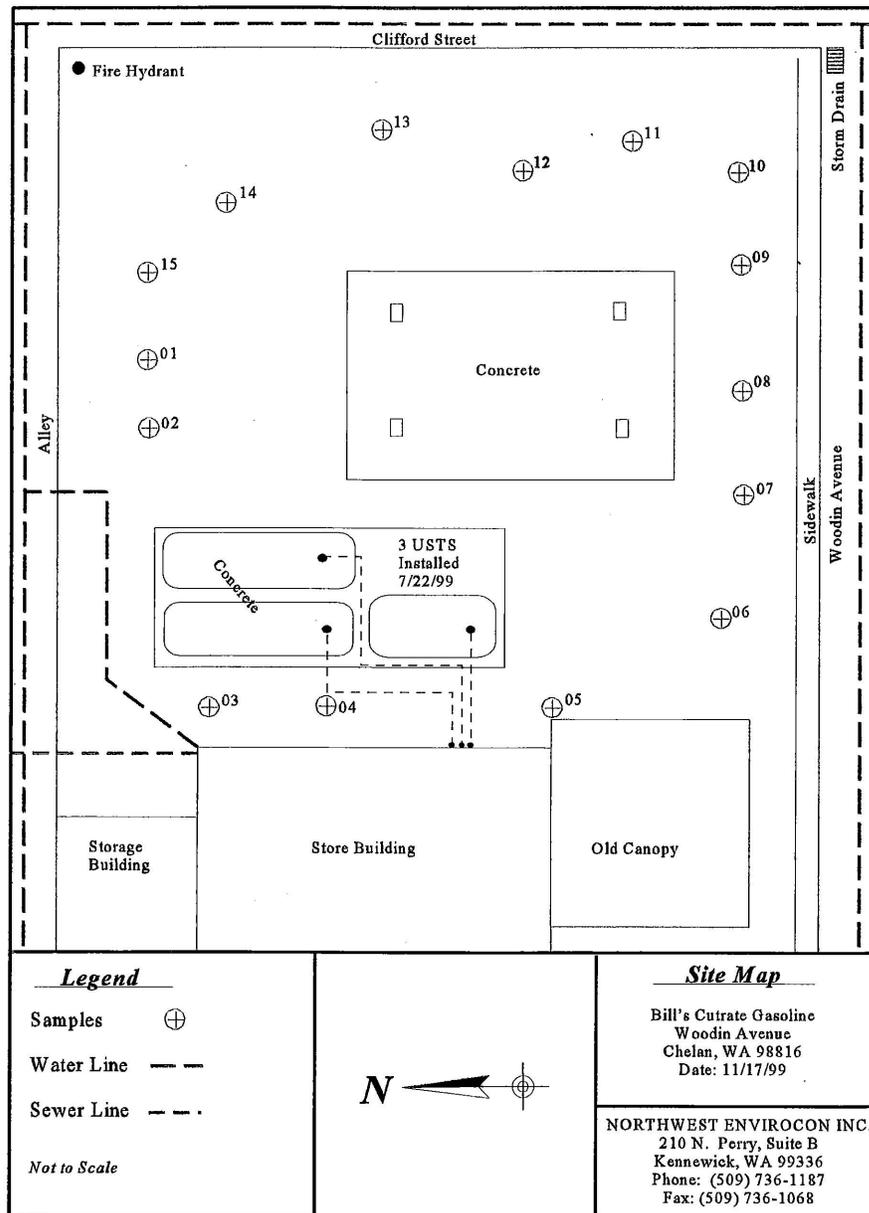
Ecology. *Periodic Review*. May 2014.

Ecology. *Site Visit*. February 2, 2021.

## **6.0 APPENDICES**



## 6.2 Site Plan



## 6.3 Environmental Covenant

### RESTRICTIVE COVENANT

Norma Shourd was and Darla O. Russell is fee owner of, Bill's Gas & Country Store.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Norma Shourd and Darla O. Russell, 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:

<u>Date</u>	<u>Title</u>	<u>Name of Business/Person</u>	<u>Purpose-Results</u>
5/29/02	Water Well Report #W155185	MVM Quality Drilling, LLC	Test for Ground water (85') None found
6/6/02	Water Well Report #A-66301	MVM Quality Drilling, LLC 22905 River view Rd-Chelan	Decommissioned- no water found
11/8/99	UST Site Investigation and Final Clean Up Report	Net Compliance Prod. & Services 210 N Perry-Kennewick, WA	Soil tests under dispensers no contamination found
11/18/99	Final Clean Up Report	Cascade Drilling-Portland, OR	Drilled 15 holes on property perimeter no contamination found
1/2/02	STI-P3 Tank Monitoring	Veri-Tank, Inc	Tank corrosion protection Annual Test- passed
6/19/02	Certificate of Tightness	Northwest Tank & Env. Serv	Certify tanks and lines Annual Test- passed
	No Further Action Required	Department of Ecology	Remedial Action satisfied

The aforementioned documents are on file at the Central Regional Office of Ecology.

This Restrictive Covenant is required because a conditional point of compliance has been established for soil.

The undersigned Norma Shourd was and Darla Russell is the fee owner of real property (hereafter "Property") in the County of Chelan, State of Washington, that is subject to this Restrictive Covenant.

Lots 1 through 7 inclusive and the East 8 feet of Lot 8, Block 2, Lakeview Addition to the Town of Chelan, Chelan County, Washington, according to the plat thereof recorded in Volume 1 of Plats, page 26.

EXCEPT that portion of said Lot 8 lying Westerly of the following described line: Commencing at the Northwest corner of said Lot 8. Thence South 87deg. 12'07" East along the North line thereof a distance of 23.22 feet to the True Point of Beginning. Thence South 3deg. 34'51" West a distance of 106.55 feet to a point on the South line of said Lot 8 which is 15.54 feet Easterly of the Southwest corner thereof and the terminus of this description.

Norma Shourd/Darla O. Russell make 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 may contain petroleum-contaminated soil located under a portion of the existing 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 any possible 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.

Norma Shourd  
Norma Shourd, Remedial Action Initiator

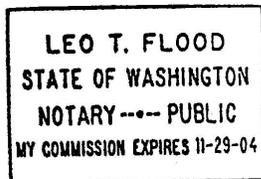
Date: 9-19-2009

STATE OF WASHINGTON  
County of Chelan

)  
) ss:

On this day personally appeared before me NORMA SHOURED  
To me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9/19/09 day of



Leo T. Flood  
Notary Public in and for the State of Washington, residing at  
Chelan  
My Appointment Expires on 11-29-04

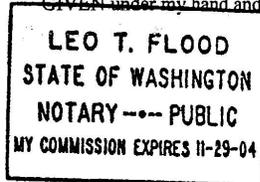
Darla O Russell  
Darla O. Russell, Property Owner

Date: 11/25/03

STATE OF WASHINGTON )  
County of Chelan ) ss:  
On this day personally appeared before me

To me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25<sup>th</sup> day of NOVEMBER 2003



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

[Signature]  
My Appointment Expires on 11/29/04

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## 6.4 Photo Log

**Photo 1: Canopy and Dispensers at Bills Gas and Country Store - from the west**



**Photo 2: Bills Gas and Country Store - from the east**



**Photo 3: Bills Gas and Country Store - from the south**



**Photo 4: Bills Gas and Country Store and Woodin Avenue— from the west**

