PERIODIC REVIEW
FINAL

5th Street Espress Cafe
Facility Site ID#: 98466865

506 West Railroad Avenue
Shelton, Washington 98584

Southwest Region Office

TOXICS CLEANUP PROGRAM

January 2013

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup conditions and monitoring data to ensure that human health and the environment are being protected at the 5th Street Espress Café site (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 (VCP). The cleanup actions resulted in concentrations of gasoline-range petroleum hydrocarbons (TPH-G), toluene, ethylbenzene and xylenes (TEX), in soil that exceed MTCA Method A cleanup levels. MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- Whenever the department conducts a cleanup action.
- Whenever the department approves a cleanup action under an order, agreed order or consent decree.
- Or, as resources permit, whenever the department issues a no further action (NFA) opinion
- And one of the following conditions exists:

    (a) Institutional controls or financial assurance are required as part of the cleanup.
    (b) Where the cleanup level is based on a practical quantitation limit.
    (c) 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.
(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 History

The 5th Street Espress Café property is located at 506 West Railroad Avenue in downtown Shelton, Mason County, Washington. The Site is located in the retail center of Shelton, and is surrounded by other retail businesses. A drive through espresso stand and a restaurant currently occupy the Site. The property is bounded on the south by Railroad Avenue, to the east by 5th Avenue, to the north by an Alley and to the west by a building. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

Prior to 1992, the Site was occupied by a retail petroleum facility with five underground storage tanks (USTs). The UST system included two 4,000-gallon tanks, two 6,000-gallon tanks, and a 500-gallon fuel oil tank. It is unknown when the tanks were installed, what product they contained (other than the fuel oil tank), or how long the Site operated as a retail petroleum facility. The fueling station closed in 1992, and all tanks were removed.

2.2 Cleanup Levels

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 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.

2.3 Remedial Activities

2.3.1 1992 UST Removal and Site Assessment

Following the excavation of approximately 530 cubic yards of soils (315 cubic yards of contaminated soils and 215 cubic yards of clean overburden soils) during the removal of the UST system in 1992, Ecology Assessment Group (EAG) collected samples from the limits of the excavation. Soil samples were collected and analyzed for hydrocarbon identification (HCID); gasoline-and diesel-range total petroleum hydrocarbons (TPH-G and TPH-D); and benzene, toluene, ethylbenzene and xylenes (BTEX). TPH-G [103 milligrams per kilogram (mg/Kg) – 11,200 mg/Kg) and BTEX (270 mg/Kg, 1200 mg/Kg, 32 mg/Kg and 5600 mg/Kg respectively] were detected above MTCA Method A cleanup levels from several points in the excavation.

TPH-D and BTEX were not detected in the stockpiled samples above MTCA Method A cleanup levels, though not all samples were analyzed for BTEX. A groundwater sample was also collected from water that pooled in the excavation. Benzene, toluene and xylenes were detected above MTCA Method A cleanup levels in the pit water. Soil and water sample results are presented in Appendix 6.4.

In June 1992, the Ecology Site Manager gave approval to backfill the northern-most portion of the excavation with the stockpiled soil, and to continue excavation to the southern property line. It was also recommended that three monitoring wells be installed and monitored.

Excavated soils were segregated into clean and contaminated stockpiles. Two composite samples collected from the contaminated soil stockpile contained TPH-G at 340 and 420 mg/Kg respectively.

The stockpiled soils and excavation were allowed to aerate for approximately three years before the soils were used to backfill the excavation. Soil samples were not collected from the stockpiled soil prior to use as backfill.

2.3.2 1999 Well Installation and Groundwater Sampling

In late 1999, three monitoring wells were installed at the Site. In January 2000, the first rounds of groundwater samples were collected. Groundwater samples were collected and analyzed on a quarterly basis for two years. Groundwater monitoring laboratory reports were submitted to Ecology, though no monitoring report summarizing the activities was provided. Groundwater elevations were not evaluated to determine groundwater flow direction, though the topography of the area would indicate groundwater flows to the east-southeast. Well AEN 824, centered along the east boundary of the Site, contained TPH-G concentrations exceeding MTCA Method A cleanup levels in January and April 2000, but the results of the following four quarters were either below cleanup levels or nondetects for all three wells.

2.3.3 2002 Additional Soil Investigation

In 2002, Ecology expressed concerns that stockpiled soils were not analyzed before being used as backfill in 1995. In July 2002, the property owner contracted ESN, Inc. to complete 14 soil borings at the Site. Soil samples were collected from the borings and field screened with a photoionization detector, and the most contaminated samples were submitted to a laboratory for TPH-G analysis. Of the 14 test holes, only four samples contained highest concentrations of TPH-G (2900 mg/Kg), toluene (13 mg/Kg), ethylbenzene (57 mg/Kg) and total xylenes (360 mg/Kg) above MTCA Method A cleanup levels. These four samples were located within Lot 8, which comprises the east half of the Site. Soil sampling locations, approximate area of exceedances and soil sample results are available as Appendix 6.2 and 6.3 respectively.

2.4 Restrictive Covenant

In July 2002, Ecology determined that the Site would be eligible for a NFA determination if the remaining contaminated soils were protected through the implementation of institutional controls. An NFA determination was issued by Ecology on July 25, 2002 and an RC [now referred to as an Environmental Covenant (EC)] was recorded for the property on August 21, 2002. Institutional controls would prevent exposure to remaining contaminated soils and serve to notify future property owners of contamination at the Site. The EC imposes the following limitations:

Section 1: A portion of the Property contains TPH-G contaminated soil located under the existing asphalt pavement in two areas:

Area 1: Beginning at the Northeast comer of Lot 8, thence N82°30'00"W along the North boundary of Lot 8 a distance of 34.00 feet; thence S07°26' 18"W a distance of 24.00 feet~ thence S38°06'27"E a distance of 29.00 feet thence 882°30'00"8 a distance of 13.30 feet; thence N07°26' l5"E along the East boundary of Lot 8 a distance of 44.29 feet to the Point of Beginning, said Northeast comer of Lot 8.

Area 2: A circular area having a radius of 10' located as follows: Beginning at the Southwest comer or Lot 8; thence N07°'26'44"E along the lot line common to Lots 8 and 7, a distance of 24.00 feet; thence S82°30'OO"E a distance of 10.50 feet to the center of the said 10.00 foot radius circle.

The Owner shall not alter, modify, or remove the existing asphalt pavement 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. The Owner shall not allow any permanent structure to be constructed over the areas described above.

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 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 EC 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 EC. 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 EC is available as Appendix 6.5.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on October 3, 2012, the building and asphalt cover at the Site continue to eliminate direct exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition and no repair, maintenance or contingency actions have been required. The Site is currently occupied by a restaurant and a drive-through coffee stand. A photo log is available as Appendix 7.0.

Soils remain at the Site with TPH-G concentrations exceeding MTCA Method A cleanup levels. These soils remain contained beneath asphalt and concrete at the Site. The contamination is not likely to pose a threat to groundwater, since the results of four rounds of quarterly monitoring conducted in 2001 showed that the TPH-G and BETX concentrations were either nondetects or below MTCA Method A cleanup levels.

An EC was recorded for the Site and remains active. This EC prohibits any use of the property that is inconsistent with the EC or will release contaminants remaining in soil at the Site. This EC serves to assure the long-term property use and integrity of the property surface and to prevent the exposure of contaminated soil remaining at the Site.

3.1.1 Soil to Vapor Pathway

Evaluation of the soil to vapor pathway is required at sites contaminated with volatile organic hydrocarbons (VOCs) to determine the potential for adverse impacts on the indoor air quality that may pose a threat to human health and the environment. Examples of when this pathway should be evaluated include at sites where soil TPH-G and/or other VOC concentrations are significantly higher than the cleanup levels derived for the protection of groundwater for drinking water beneficial use, or where soil TPH-D concentrations are higher than 10,000 mg/Kg; WAC 173-340-740(3)(B)(iii)(C). As a part of this investigation, procedures outlined in the Ecology draft "Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remediation Action" should be used.

Though the Site is contaminated with VOCs and some contaminated soils were left on the Site exceeding the cleanup levels, no investigations were conducted at this Site to evaluate the soil to vapor pathway and whether potential vapor concentrations are protective of human health and the environment. However, it is Ecology's opinion that the exposure through the soil to vapor pathway does not pose a significant risk based on the following reasons:

- The USTs were removed from the Site in 1992. Releases that occurred at the Site would have happened approximately 20 years ago. The last soil samples were collected 10 years ago and it is likely that VOCs present in the samples have volatized even further and the current gasoline concentrations on the Site are likely much lower.

- A significant amount of contaminate soils containing TPH-G, ehtylbenzene, toluene and xylenes (ETX) were excavated (approximately 315 cubic yards) from the Site. A small quantity of contaminated soils remains on the Site below the parking lot.

- The highest remaining TPH-G contamination of 2,900 mg/Kg in the soil is located approximately 10 feet from the nearest building at a depth of 10 to 11 feet bgs with approximately 10 feet of clean overburden soil. Contaminated vapors must pass through a minimum of 10 feet of clean soil to reach the building foundation. Gasoline vapors attenuate quickly when passing through clean, well oxygenated soils.

- The ratio of VOCs (ethylbenzene, toluene, and total xylenes) to TPH-G is very low (14%), indicative of weathered gasoline, which does not produce many vapors.

- Groundwater beneath the Site is no longer impacted.

Based on the above reasons, though there is lack of soil vapor and indoor air data, Ecology believes that it is highly unlikely that there is any adverse impact on the human health and the environment through the soil to vapor pathway.

3.1.2 Residual Saturation

WAC 173-340-747(10) provides that, "the soil concentrations must not result in the accumulation of non-aqueous phase liquid in groundwater. To determine if this criterion is met....residual saturation screening levels must be established and compared with the soil concentrations"

A residual saturation screening level of 1,000 mg/Kg has been established for weathered gasoline, which is applicable to this Site. Based on this screening level, soil concentrations at the Site may not be protective of groundwater; however, WAC 173-340-747 (10)(c) allows for empirical demonstration to be used to show that soil concentrations measured at the Site will not result in the accumulation of non-aqueous phase liquid on or in groundwater.

WAC 173-340-747 (10)(c)(i) states that, to demonstrate empirically that measured soil concentrations will not result in the accumulation of non-aqueous phase liquid on or in ground water, the following shall be demonstrated:

(A) Non-aqueous phase liquid has not accumulated on or in groundwater; and

(B) The measured soil concentration will not result in non-aqueous phase liquid accumulating on or in groundwater at any time in the future. Specifically, it must be demonstrated that a sufficient amount of time has elapsed for migration of hazardous substances from soil into groundwater to occur and that the characteristics of the site (e.g., depth to groundwater and infiltration) are representative of future site conditions.

For this Site, sufficient groundwater monitoring data exists to demonstrate that TPH-G concentrations in soil are not resulting in the accumulation of non-aqueous phase liquids at the Site. Groundwater monitoring data has been collected over a sufficient time period (two years) to allow for migration of contaminants from soil to groundwater. The last four quarterly rounds of monitoring data has demonstrated that TPH-G and BETX concentrations are either nondetects or below MTCA cleanup levels. This indicates that the TPH-G and BETX concentrations in soil do not appear to be contributing to groundwater contamination at the Site.

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

There is no new relevant scientific information for hazardous substances remaining at the Site.

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

MTCA Method A cleanup levels for contaminants of concern at the Site have not changed since the NFA determination was issued on July 25, 2002. These cleanup levels remain protective of human health and the environment.

3.4 Current and projected Site use

The Site is currently occupied by a restaurant and drive through coffee stand. This use is not likely to have a negative impact on the risk posed by hazardous substances contained at the Site. There are no changes projected in the Site use.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included capping 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 actions were capable of detection below Site 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 for TPH-G and TEX at the Site; however, under WAC 173-340-740(6) (d), the cleanup action is determined to comply with cleanup standards, since the long-term integrity of the containment system is ensured and the requirements for containment technologies in WAC 173-340-360(8) have been met.

- The EC for the property is in place and will be effective in protecting public health from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this review, Ecology has determined that the remedial actions conducted at the Site continue to be protective of human health and the environment. The requirements of the EC are being satisfactorily met and no additional remedial actions are required at the Site at this time. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the surface cover 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

Ecology Assessment Group, Ltd. *Preliminary Site Assessment.* May 22, 1992.

Marley L. Young. *Groundwater Sample Data from various dates.* July 25, 2001.

Marley L. Young. *Letter Re: Risher site.* April 1, 2002.

Marley L. Young. *Remedial Action Review.* July 22, 2002.

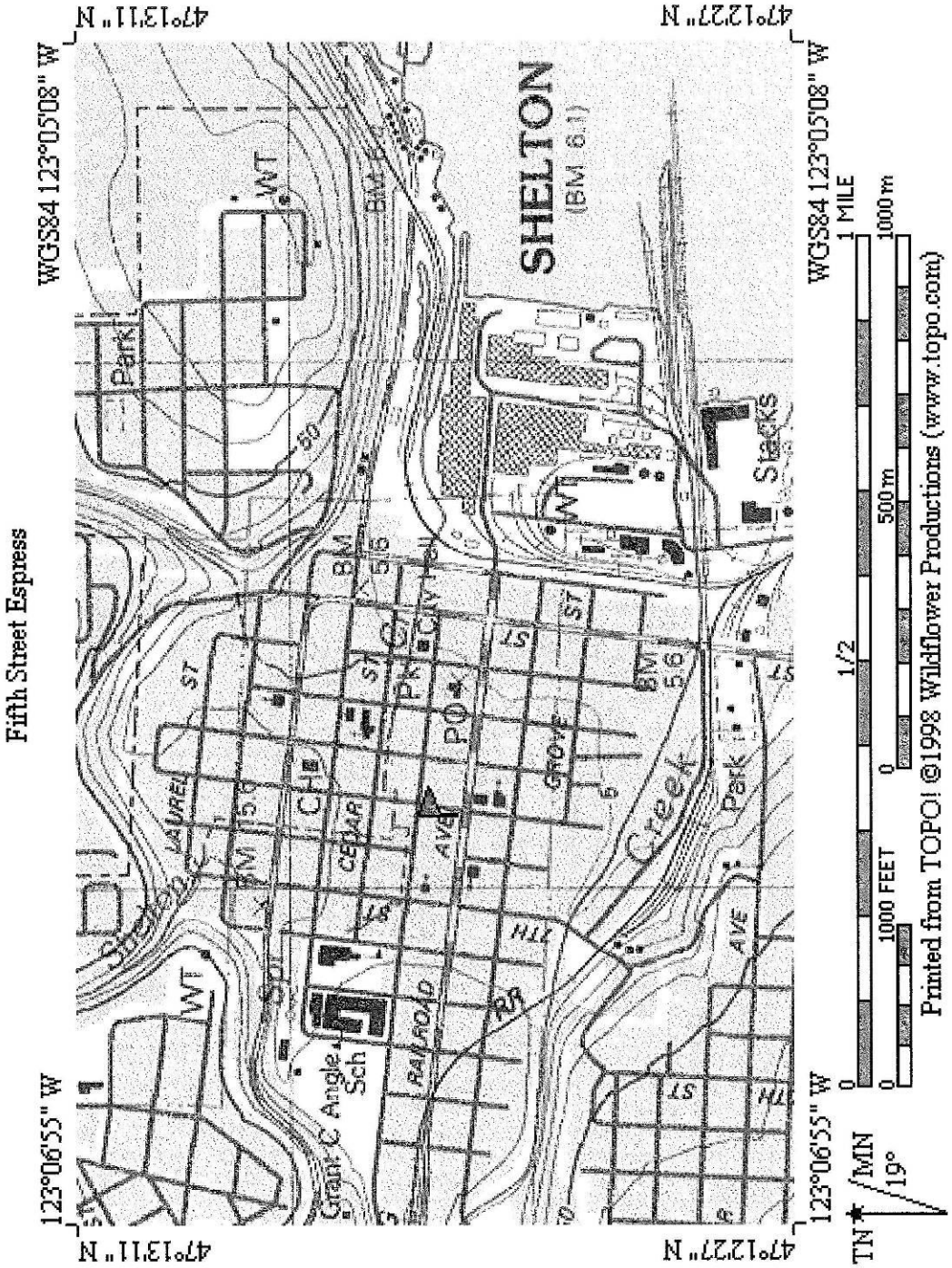
Ecology. *No Further Action Determination Letter.* July 25, 2002.

Ecology. *Restrictive Covenant.* August 21, 2002.

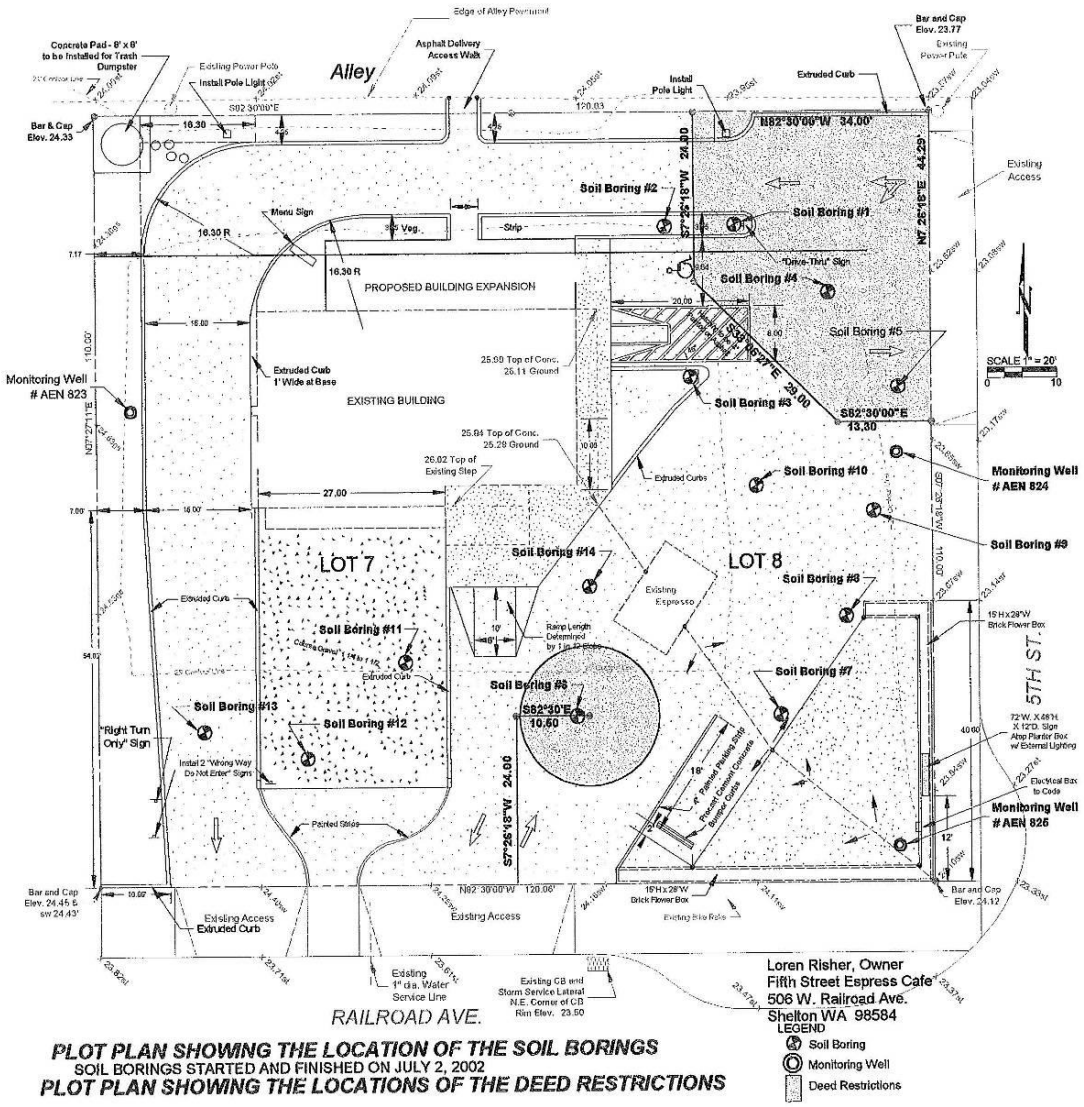
Ecology. *Site Visit. October 3,* 2012.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan and 2002 Soil Sampling Locations



PLOT PLAN SHOWING THE LOCATION OF THE SOIL BORINGS
SOIL BORINGS STARTED AND FINISHED ON JULY 2, 2002
PLOT PLAN SHOWING THE LOCATIONS OF THE DEED RESTRICTIONS

6.3 2002 Soil Sample Results

Jul-05-02 03:57P ESN NORTHWEST 3604593432 P.01

PRELIMINARY DATA

ESN NORTHWEST CHEMISTRY LABORATORY

5TH STREET ESPRESS PROJECT
Shelton, Washington
Marley L. Young

Analyses of Gasoline (NWTPH-Gx) in Soil

Sample Number	Date Analyzed	Surrogate Recovery (%)	Gasoline (mg/kg)
Method Blank	7/5/02	112	nd
Boring1-S-2b	7/5/02	109	52
Boring2-S-2b	7/5/02	85	nd
Boring3-S-2b	7/5/02	82	nd
Boring4-S-2b	7/5/02	92	nd
Boring5-S-2b	7/5/02	111	200
Boring6-S-2b	7/5/02	112	2,900
Boring7-S-2b	7/5/02	105	nd
Boring10-S-2b	7/5/02	107	nd
Boring10-S-2b Dup.	7/5/02	101	nd
Boring11-S-2b	7/5/02	126	nd
Boring14-S-2b	7/5/02	94	nd
Method Detection Limits			10

"nd" Indicates not detected at the listed detection limits.
"int" Indicates that interference prevents determination.

ACCEPTABLE RECOVERY LIMITS FOR SURROGATE (Chlorobenzene): 65% TO 135%

ANALYSES PERFORMED BY: Marilyn Farmer

1

ESN SEATTLE CHEMISTRY LABORATORY
(425) 957-9872, fax (425) 957-9904

ESN Job Number: S20705-2
Client: Marley Young
Client Job Name: 5TH STREET EXPRESS
Client Job Number: 98-32

Analytical Results		MTH BLK	LCS	BORING 1-S-2A	BORING 2-S-2A	BORING 3-S-2A
8260, µg/kg		Soil	Soil	Soil	Soil	Soil
Matrix	Soil	07/07/02	07/07/02	07/07/02	07/07/02	07/07/02
Date extracted	Reporting	07/07/02	07/07/02	07/08/02	07/07/02	07/07/02
Date analyzed	Limits					
Dichlorodifluoromethane	50	nd		nd	nd	nd
Chloromethane	50	nd		nd	nd	nd
Vinyl chloride	50	nd		nd	nd	nd
Bromomethane	50	nd		nd	nd	nd
Chloroethane	50	nd		nd	nd	nd
Trichlorofluoromethane	50	nd		nd	nd	nd
1,1-Dichloroethene	50	nd		nd	nd	nd
Methylene chloride	20	nd		nd	nd	nd
trans-1,2-Dichloroethene	50	nd		nd	nd	nd
1,1-Dichloroethane	50	nd		nd	nd	nd
cis-1,2-Dichloroethene	50	nd		nd	nd	nd
2,2-Dichloropropane	50	nd		nd	nd	nd
Chloroform	50	nd		nd	nd	nd
Bromochloromethane	50	nd		nd	nd	nd
1,1,1-Trichloroethane	50	nd		nd	nd	nd
1,2-Dichloroethane	50	nd		nd	nd	nd
1,1-Dichloropropene	50	nd		nd	nd	nd
Carbon tetrachloride	20	nd	94%	nd	nd	nd
Benzene	20	nd	92%	nd	nd	nd
Trichloroethene	50	nd		nd	nd	nd
1,2-Dichloropropane	50	nd		nd	nd	nd
Dibromomethane	50	nd		nd	nd	nd
Bromodichloromethane	50	nd		nd	nd	35
cis-1,3-Dichloropropene	50	nd	99%	63	nd	nd
Toluene	50	nd		nd	nd	nd
trans-1,3-Dichloropropene	50	nd		nd	nd	nd
1,1,2-Trichloroethane	50	nd		nd	nd	nd
1,3-Dichloropropane	50	nd		nd	nd	nd
Dibromochloromethane	20	nd		nd	nd	nd
Tetrachloroethene	5	nd		nd	nd	nd
1,2-Dibromoethane (EDB)(*)	50	nd	109%	nd	nd	nd
Chlorobenzene	50	nd		nd	nd	80
1,1,1,2-Tetrachloroethane	50	nd		1,800	nd	nd
Ethylbenzene	50	nd		14,000	nd	nd
Xylenes	50	nd		nd	nd	nd
Styrene	50	nd		nd	nd	nd
Bromoform	50	nd		nd	nd	nd
1,1,2,2-Tetrachloroethane	50	nd		350	nd	nd
Isopropylbenzene	50	nd		nd	nd	nd
1,2,3-Trichloropropane	50	nd		nd	nd	550
Bromobenzene	50	nd		1,600	nd	nd
n-Propylbenzene	50	nd		nd	nd	nd
2-Chlorotoluene	50	nd		nd	nd	830
4-Chlorotoluene	50	nd		3,600	nd	nd
1,3,5-Trimethylbenzene	50	nd		nd	150	2,000
tert-Butylbenzene	50	nd		1,000	nd	160
1,2,4-Trimethylbenzene	50	nd		230	nd	nd
sec-Butylbenzene	50	nd		nd	nd	nd
1,3-Dichlorobenzene	50	nd		nd	nd	170
1,4-Dichlorobenzene	50	nd		104	nd	nd
Isopropyltoluene	50	nd		nd	nd	nd
1,2-Dichlorobenzene	50	nd		nd	nd	nd
n-Butylbenzene	50	nd		nd	nd	nd
1,2-Dibromo-3-Chloropropane	50	nd		nd	nd	nd
1,2,4-Trichlorobenzene	50	nd		nd	nd	nd
Naphthalene	50	nd		nd	nd	nd
Hexachloro-1,3-butadiene	50	nd		nd	nd	nd
1,2,3-Trichlorobenzene						

*-instrument detection limits

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ESN SEATTLE CHEMISTRY LABORATORY
(425) 957-9872, fax (425) 957-9904

ESN Job Number: S20705-2
Client: Marley Young
Client Job Name: 5TH STREET EXPRESS
Client Job Number: 98-32

Analytical Results

8260, µg/kg		BORING 4-S-2A	BORING 5-S-2A	BORING 6-S-2A	BORING 7-S-2A
Matrix	Soil	Soil	Soil	Soil	Soil
Date extracted	Reporting	07/07/02	07/07/02	07/07/02	07/07/02
Date analyzed	Limits	07/07/02	07/07/02	07/08/02	07/08/02
Dichlorodifluoromethane	50	nd	nd	nd	nd
Chloromethane	50	nd	nd	nd	nd
Vinyl chloride	50	nd	nd	nd	nd
Bromomethane	50	nd	nd	nd	nd
Chloroethane	50	nd	nd	nd	nd
Trichlorofluoromethane	50	nd	nd	nd	nd
1,1-Dichloroethene	50	nd	nd	nd	nd
Methylene chloride	20	nd	nd	nd	nd
trans-1,2-Dichloroethene	50	nd	nd	nd	nd
1,1-Dichloroethane	50	nd	nd	nd	nd
cis-1,2-Dichloroethene	50	nd	nd	nd	nd
2,2-Dichloropropane	50	nd	nd	nd	nd
Chloroform	50	nd	nd	nd	nd
Bromochloromethane	50	nd	nd	nd	nd
1,1,1-Trichloroethane	50	nd	nd	nd	nd
1,2-Dichloroethane	50	nd	nd	nd	nd
1,1-Dichloropropene	50	nd	nd	nd	nd
Carbon tetrachloride	50	nd	nd	nd	nd
Benzene	20	nd	nd	nd	nd
Trichloroethene	20	nd	nd	nd	nd
1,2-Dichloropropane	50	nd	nd	nd	nd
Dibromomethane	50	nd	nd	nd	nd
Bromodichloromethane	50	nd	nd	nd	nd
cis-1,3-Dichloropropene	50	nd	nd	nd	nd
Toluene	50	610	13,000	nd	nd
trans-1,3-Dichloropropene	50	nd	nd	nd	nd
1,1,2-Trichloroethane	50	nd	nd	nd	nd
1,3-Dichloropropane	50	nd	nd	nd	nd
Dibromochloromethane	50	nd	nd	nd	nd
Tetrachloroethene	20	nd	nd	nd	nd
1,2-Dibromoethane (EDB)(*)	5	nd	nd	nd	nd
Chlorobenzene	50	nd	nd	nd	nd
1,1,1,2-Tetrachloroethane	50	11,000	57,000	130	nd
Ethylbenzene	50	96,000	360,000	2,100	nd
Xylenes	50	nd	nd	nd	nd
Styrene	50	nd	nd	nd	nd
Bromoform	50	nd	nd	nd	nd
1,1,2,2-Tetrachloroethane	50	2,600	9,800	570	nd
Isopropylbenzene	50	nd	nd	nd	nd
1,2,3-Trichloropropane	50	nd	nd	nd	nd
Bromobenzene	50	12,000	43,000	2,600	nd
n-Propylbenzene	50	nd	nd	nd	nd
2-Chlorotoluene	50	nd	nd	nd	nd
4-Chlorotoluene	50	33,000	95,000	11,000	nd
1,3,5-Trimethylbenzene	50	nd	nd	nd	nd
tert-Butylbenzene	50	105,000	206,000	28,000	27
1,2,4-Trimethylbenzene	50	2,000	4,000	650	nd
sec-Butylbenzene	50	nd	nd	nd	nd
1,3-Dichlorobenzene	50	nd	nd	nd	nd
1,4-Dichlorobenzene	50	920	1,900	350	nd
Isopropyltoluene	50	nd	nd	nd	nd
1,2-Dichlorobenzene	50	nd	nd	nd	nd
n-Butylbenzene	50	nd	nd	nd	nd
1,2-Dibromo-3-Chloropropane	50	nd	nd	nd	nd
1,2,4-Trichlorobenzene	50	nd	nd	nd	nd
Naphthalene	50	nd	nd	nd	nd
Hexachloro-1,3-butadiene	50	nd	nd	nd	nd
1,2,3-Trichlorobenzene	50	nd	nd	nd	nd

*-instrument detection limits

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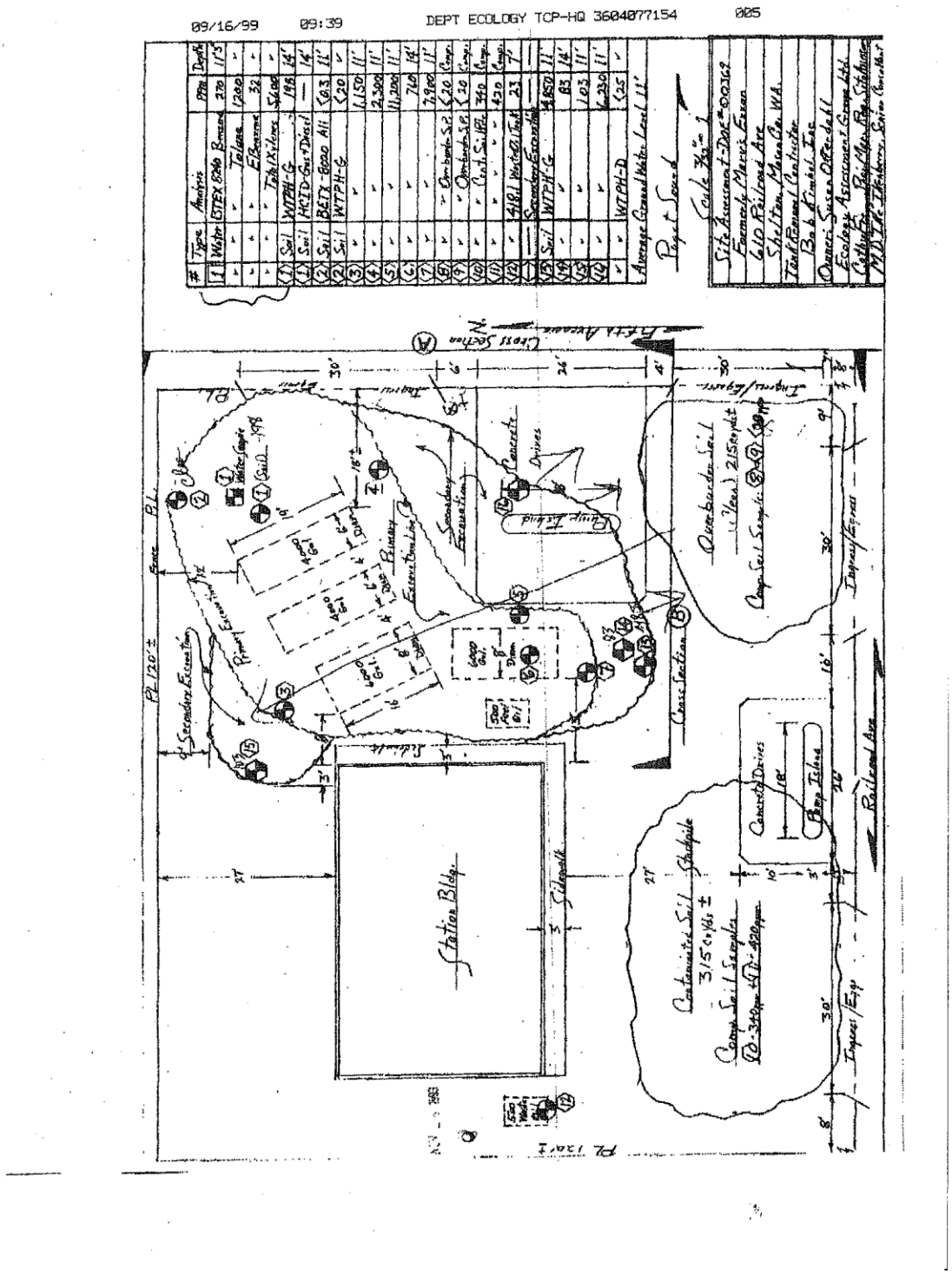
6.4 1992 UST Removal: Soil Sample Locations and Results



6.5 Environmental Covenant

LOREN RISHER
P.O. BOX 73
SHELTON WA 98584

RESTRICTIVE COVENANT

LOREN W. RISHER, 5TH STREET ESPRESS

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1) (f) and (g) and WAC 173-340-440 by LOREN W. RISHER, his 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 document: "Remedial Action Review for 5th Street Espress", for Loren W. Risher, Owner, and prepared by Marley L. Young, Consulting Engineer on July 22, 2002. This document is on file at the Department of Ecology Southwest Region Office.

On July 2, 2002, geosampling by boring into the soils and taking soil samples was conducted. The test results of the soil samplings show that Gasoline range organic contamination remains in two areas of Lot 8.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Gasoline range organic and associated individual constituents and which exceed the Model Toxics Control Act Method A and Method B, Residential Cleanup Level(s) for SOIL established under WAC 173-340-740, and CLARC, Version 3.1, respectively.

1

The undersigned, LOREN W. RISHER, is the fee owner of real property (hereafter "Property") in the County of Mason, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: LOT 8, BLOCK 3, THE LUMBERMEN'S ADDITION TO SHELTON, WASHINGTON, VOLUME 4 OF PLATS, PAGE 86 AND 87, RECORDS OF MASON COUNTY, WASHINGTON

LOREN W. RISHER 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 organic contaminated soil located under the existing asphalt pavement in two areas:

Area 1: Beginning at the Northeast corner of Lot 8, thence N82°30'00"W along the North boundary of Lot 8 a distance of 34.00 feet; thence S07°26'18"W a distance of 24.00 feet; thence S38°06'27"E a distance of 29.00 feet, thence S82°30'00"E a distance of 13.30 feet; thence N07°26'18"E along the East boundary of Lot 8 a distance of 44.29 feet to the Point of Beginning, said Northeast corner of Lot 8.

Area 2: A circular area having a radius of 10' located as follows: Beginning at the Southwest corner of Lot 8; thence N07°'26'44"E along the lot line common to Lots 8 and 7, a distance of 24.00 feet; thence S82°30'00"E a distance of 10.50 feet to the center of the said 10.00 foot radius circle.

The Owner shall not alter, modify, or remove the existing asphalt pavement 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. The Owner shall not allow any permanent structure to be constructed over the areas described above.

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.

LOREN W. RISHER

August 21, 2002
DATE SIGNED

7.0 Photo log

Photo 1: 5th Street Espress Site – from the southeast

Photo 2: Coffee Stand at Site – from the north

Photo 3: Monitoring Well AEM 825 – from the west

Photo 4: Site Restaurant – from the southwest