



Third Periodic Review Unocal Bulk Plant 0528

**111 Pine Street, Newport, Pend Oreille County
Facility Site ID 17342596, Cleanup Site ID 3959**

Toxics Cleanup Program, Eastern Region

Washington State Department of Ecology
Spokane, Washington

November 2021

Document Information

This document is available on the Department of Ecology's [Unocal Bulk Plant 0528 web page](#).¹

Related Information

- Cleanup site ID: 3959
- Facility site ID: 17342596

Contact Information

Toxics Cleanup Program

Eastern Regional Office
Ted Uecker, Site Manager
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Spokane, WA 99205
Phone: 509-329-3522

Website²: [Washington State Department of Ecology](#)

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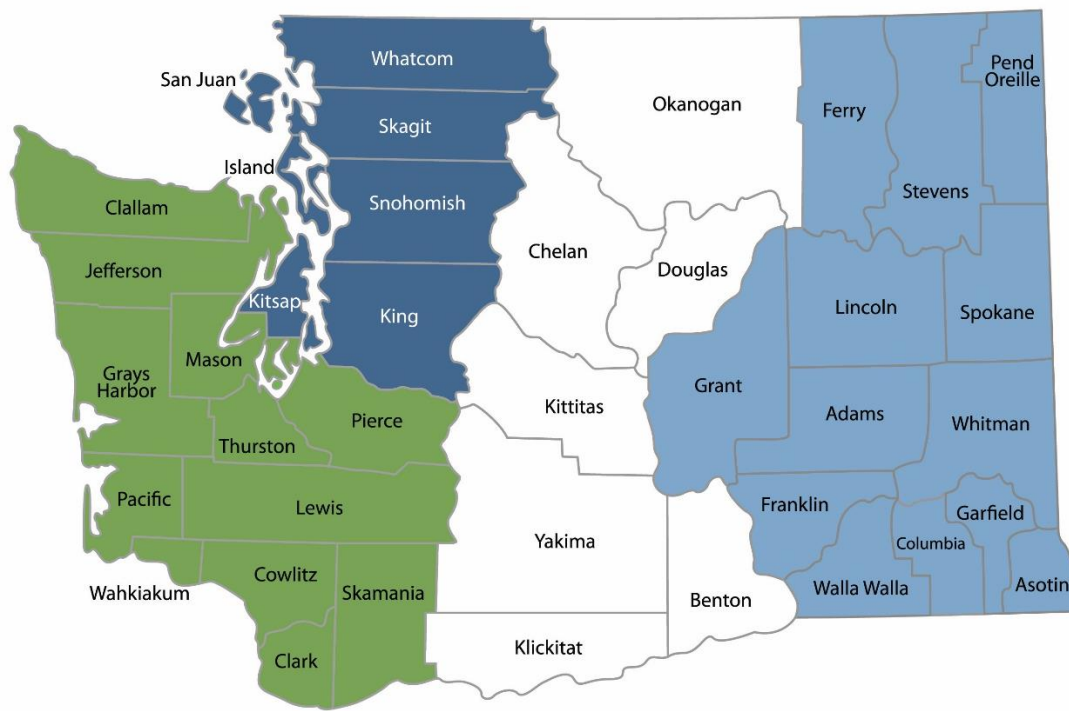
¹ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3959>

² www.ecology.wa.gov/contact

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

| Region | Counties served | Mailing Address | Phone |
|---------------------|--|--|--------------|
| Southwest | Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum | PO Box 47775 Olympia, WA 98504 | 360-407-6300 |
| Northwest | Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom | PO Box 330316 Shoreline, WA 98133 | 206-594-0000 |
| Central | Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima | 1250 W Alder St Union Gap, WA 98903 | 509-575-2490 |
| Eastern | Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman | 4601 N Monroe Spokane, WA 99205 | 509-329-3400 |
| Headquarters | Across Washington | PO Box 46700 Olympia, WA 98504 | 360-407-6000 |

Table of Contents

| | |
|--|-----------|
| Introduction..... | 5 |
| Summary of Site Conditions | 6 |
| Site history | 6 |
| Site investigation and remedial actions..... | 6 |
| Cleanup levels and points of compliance..... | 7 |
| Restrictive Covenant | 8 |
| Periodic Review | 9 |
| Effectiveness of completed cleanup actions..... | 9 |
| New scientific information for individual hazardous substances or mixtures present at the Site | 10 |
| New applicable state and federal laws for hazardous substances present at the Site..... | 10 |
| Current and projected site use | 10 |
| Availability and practicability of higher preference technologies | 10 |
| Availability of improved analytical techniques to evaluate compliance with cleanup levels..... | 10 |
| Conclusions..... | 10 |
| Next review | 11 |
| References..... | 12 |
| Appendix A. Vicinity Map..... | 13 |
| Appendix B. Site Plan | 14 |
| Appendix C. Restrictive Covenant..... | 15 |
| Appendix D. Photo Log..... | 21 |
| Photo 1: Former Bulk Plant — from the northwest..... | 21 |
| Photo 2: Site Border with Chevron Bulk Plant — from the north..... | 22 |
| Photo 3: North Side of Site and Surrounding Use — from the west..... | 23 |

Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the Unocal Bulk Plant 0528 site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the third periodic review conducted for this Site. Ecology completed the first periodic review in May 2010. This periodic review evaluates May 2016 through September 2021.

Cleanup activities at this Site were completed under Ecology's Voluntary Cleanup Program (VCP) project number EA0040. Following the cleanup actions, residual concentrations of petroleum hydrocarbons that exceeded MTCA Method A cleanup levels for soil established under WAC 173-340-740(2) remained. Ecology determined institutional controls in the form of a restrictive covenant (Covenant) would be required for the Site to be eligible for a no further action (NFA) determination. WAC 173-340-420(2) requires Ecology to conduct a periodic review of a site every five years under the following conditions:

- 1) Whenever Ecology conducts a cleanup action;
- 2) Whenever Ecology approves a cleanup action under an order, agreed order, or consent decree;
- 3) Or, as resources permit, whenever Ecology issues a no further action opinion;
- 4) 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 Ecology 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 or 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.

Ecology shall publish a notice of all periodic reviews in the *Site Register* and provide an opportunity for public comment.

Summary of Site Conditions

Site history

The Site is located at the southwest corner of the intersection of Pine and State streets in Newport, Washington. The Site is in a commercial/industrial area of Newport and is bordered by mixed-use properties, including a former petroleum bulk storage facility, railroad tracks, an electrical substation, an electrical transformer storage yard, a commercial building and parking lot, and a commercial fueling station.

In 1926, the Union Oil Company of California purchased the property and began operating a bulk fuel and oil facility. The facility closed on October 31, 1991. During the later period of operation, the facility used five vertical aboveground storage tanks (ASTs) and two horizontal lube oil ASTs located in the southern portion of the Site. A concrete dike contained the product storage area. A warehouse with an adjoining office and enclosed platform was located in the northeast portion of the Site. A loading and unloading area served by underground product lines was located between the warehouse and product storage areas. Currently, the Site is a storage unit rental facility.

A vicinity map is in Appendix A, and a Site plan is in Appendix B.

Site investigation and remedial actions

GeoEngineers conducted a subsurface investigation at the Site in November 1989. The investigation included collecting soil samples from eight borings (HA-1 through HA-8) and installing six vapor probes (VP-1 through VP-6) in the borings. Laboratory results indicated that petroleum was present at concentrations exceeding Method A soil cleanup levels in the majority of the borings. The highest concentration of diesel was detected in the soil sample collected at 18 feet in VP-4 (4,200 milligrams per kilogram [mg/kg]), near the abandoned underground product lines. A sample collected from VP-4 at 33 feet below ground surface (bgs) was non-detect for all petroleum products.

In 1992, approximately 800 cubic yards of petroleum-contaminated soil (PCS) were excavated from the northwest portion of the property around HA-1 and HA-2, and stockpiled in the southern portion of the Site. Soil was removed to a maximum depth of 3 feet bgs. Based on field screening and results from samples collected from the excavation, PCS remained in areas along the north and west property boundaries, and in the area of the former ASTs.

In November 1994, 11 test pits (TP-1 through TP-11) were completed to define the extent of contamination. Test pits were located near the previous excavation (TP-1 through TP-3), around the abandoned underground product lines (TP-4, TP-5, and TP-9), and in the locations of the

former aboveground heating oil, waste oil, lube oil, and product tanks (TP-6, TP-7, TP-10, and TP-11). Test pit TP-8 was excavated in the location of a drywell. The test pits were completed to depths ranging from approximately 7 to 12.5 feet bgs. At least one soil sample was collected from each pit and submitted for analysis. No petroleum was in samples TP-1 through TP-3 and TP-5 through TP-10. Diesel, gasoline, and heavy oil were identified in samples from TP-4, near the underground product lines. Diesel was also identified in a sample from TP-11, near the former ASTs.

In August 1997, additional test pit sampling (TP-12 through TP-17) and stockpile sampling were conducted. All test pit samples were below Method A cleanup levels, except one near-surface sample (1.5 feet). This sample contained the highest petroleum concentration at the Site (15,800 mg/kg diesel and 555 mg/kg gasoline). Petroleum was not detected above Method A cleanup levels in any other samples.

Based on these results, samples were further evaluated for compliance using Ecology's Interim Total Petroleum Hydrocarbon Policy criteria. These samples were submitted to the lab and analyzed for petroleum. Using data from these samples, a Site-specific cleanup level of 3,871 mg/kg was calculated, which was still protective of human health and the environment. Of the samples collected in 1997, only the TP-15 sample exceeded the calculated cleanup level.

In June 1999, excavation of soil with petroleum concentrations exceeding the Site-specific soil cleanup level of 3,871 mg/kg was initiated. Excavation began in the TP-15 area and continued north of TP-15 and northwest of the large soil stockpile. Five abandoned product lines were encountered and removed during excavation activities. Soil near the product lines appeared to be impacted to depths of approximately 2.5 to 3 feet bgs. Excavation continued in the TP-15 area until field screening indicated the PCS had been removed.

Approximately 10 cubic yards of PCS were excavated from the TP-4 area. About 40 cubic yards of PCS near HA-8 (from the 1989 investigation) were also excavated. Soil samples were collected from the excavations to confirm PCS removal.

Soil samples were analyzed for petroleum. Diesel and heavy oil were detected at concentrations below the Site-specific TPH cleanup level of 3,871 mg/kg. No other petroleum products were detected.

Based on data obtained during remedial activities at the Site, soil within 15 feet of the ground surface with petroleum concentrations exceeding the Site-specific soil cleanup level of 3,871 mg/kg have been removed. One soil sample (VP-4) collected from 18 feet bgs during the 1989 investigation contained 4,200 mg/kg of gasoline. A sample collected in the same location but at 33 feet bgs was non-detect.

Cleanup levels and points of compliance

Soils at the Site were evaluated for compliance using Ecology's Interim Total Petroleum Hydrocarbons Policy, which was applicable at the time cleanup was conducted. Based on results of sample analysis, a Site-specific cleanup level of 3,871 mg/kg was calculated for petroleum.

As a result, the cleanup levels calculated for the Site in 1997 are still applicable and will continue to be used to determine whether the remedy is protective of human health and the environment.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is soils throughout the Site.

Restrictive Covenant

Following remediation, Ecology determined the Site would be eligible for an NFA determination with the implementation of institutional controls in the form of a Covenant. A Covenant was recorded for the Site in 2002 to prevent the exposure of contaminated soils remaining at the Site and notify future property owners of the remaining contamination. The Covenant imposes the following limitations:

1. 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 area of VP-4 (MW-4) below 5 feet 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 ground with a rod, spike or similar item, bulldozing or earthwork, or any activities that may cause migration of the hazardous substances.
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 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 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.

A copy of the Covenant is in Appendix C.

Periodic Review

Effectiveness of completed cleanup actions

During the Site visit Ecology conducted on September 29, 2021, there were no indications that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or disturbance activities and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a storage unit facility and is surrounded by a mix of residential- and commercial-use properties. A photo log is in Appendix D.

Direct contact

Cleanup actions at the Site were intended to eliminate human exposure to contaminated soils at the Site. Exposure pathways to contaminated soils (ingestion, direct contact) were reduced by excavation and protective Site surfaces, including asphalt, building foundations, and concrete. The Site is fenced and has restricted access, further reducing the possibility of public exposure to residual contamination at the Site.

Protection of groundwater

Soils with petroleum concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, the majority of the contaminated soil has been removed. Groundwater impacts are unlikely because water was not encountered in soil borings installed at the Site to a depth of 45 feet bgs. Based on regional data, groundwater is expected to be encountered between 50 and 100 feet bgs. Groundwater and potential residual soil contamination are separated sufficiently to prevent impacts to groundwater quality.

Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 2002. The Covenant remains active and discoverable through the Pend Oreille County Auditor's Office. There is no evidence a new instrument has been recorded that limits the effectiveness or applicability of the Covenant. This 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 Covenant assures the long-term integrity of the surface cover and the remedial action.

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

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

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

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

Current and projected site use

The Site is used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the remedy.

Availability and practicability of higher preference technologies

The remedy implemented included containing 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.

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.

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 complies 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.

Based on this periodic review, Ecology has determined the property owner is following the requirements of the Covenant. No additional remedial actions are required. The property owner is responsible for continuing to inspect the Site to assure cap integrity is maintained.

Next review

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

References

GeoEngineers. *Report of Geotechnical Services*. November 15, 1989.

GeoEngineers. *Report of Geoenvironmental Services*. February 9, 1995.

GeoEngineers. *Report of Site Cleanup*. September 27, 1999.

Ecology. "VCP Review." March 16, 2000.

Union Oil Company of California. *Restrictive Covenant*. December 16, 2002.

Ecology. "No Further Action Determination Letter." January 13, 2003.

Ecology. Site Visit. May 12, 2010.

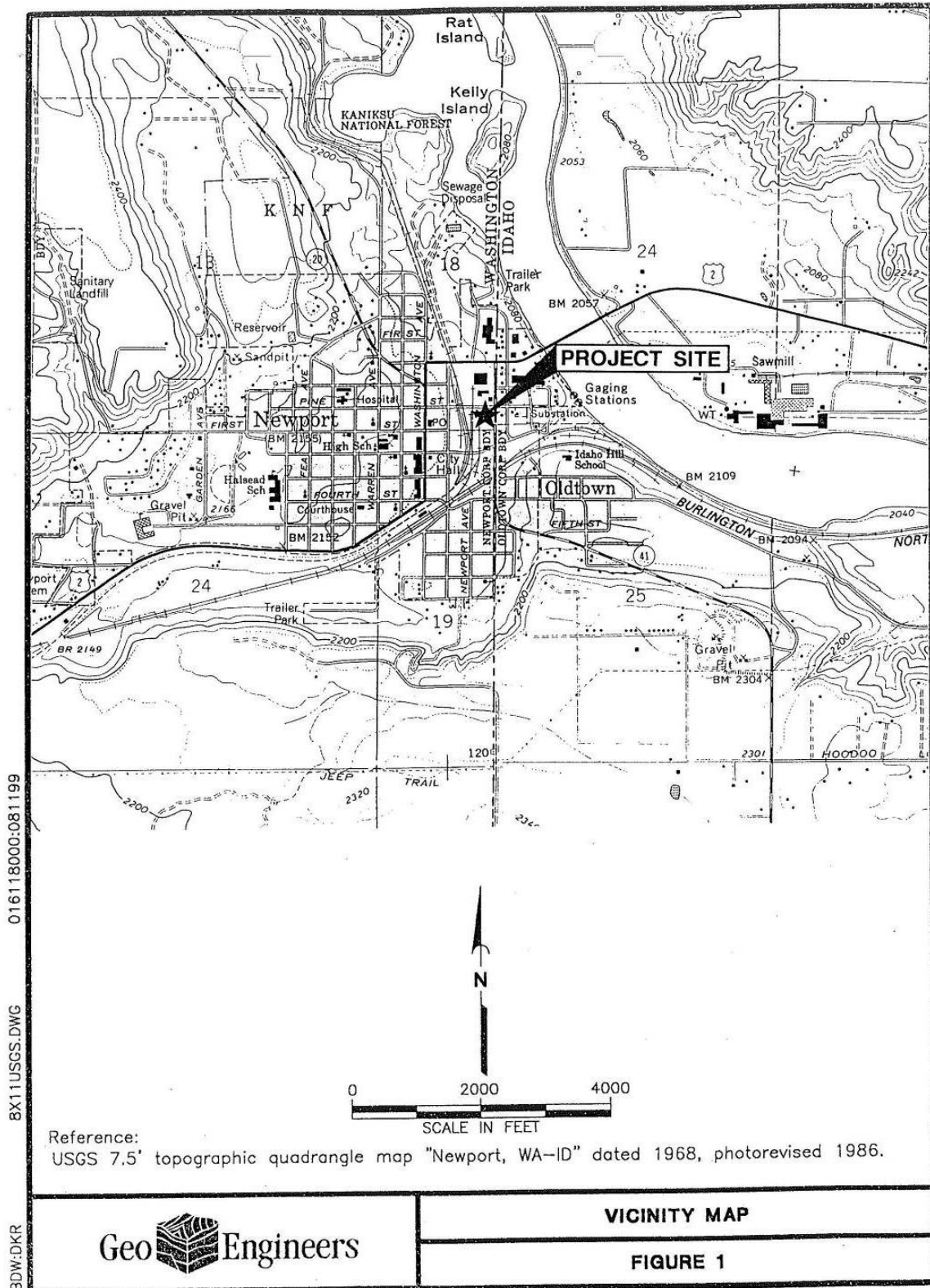
Ecology. *Periodic Review*. May 28, 2010.

Ecology. Site Visit. May 18, 2016.

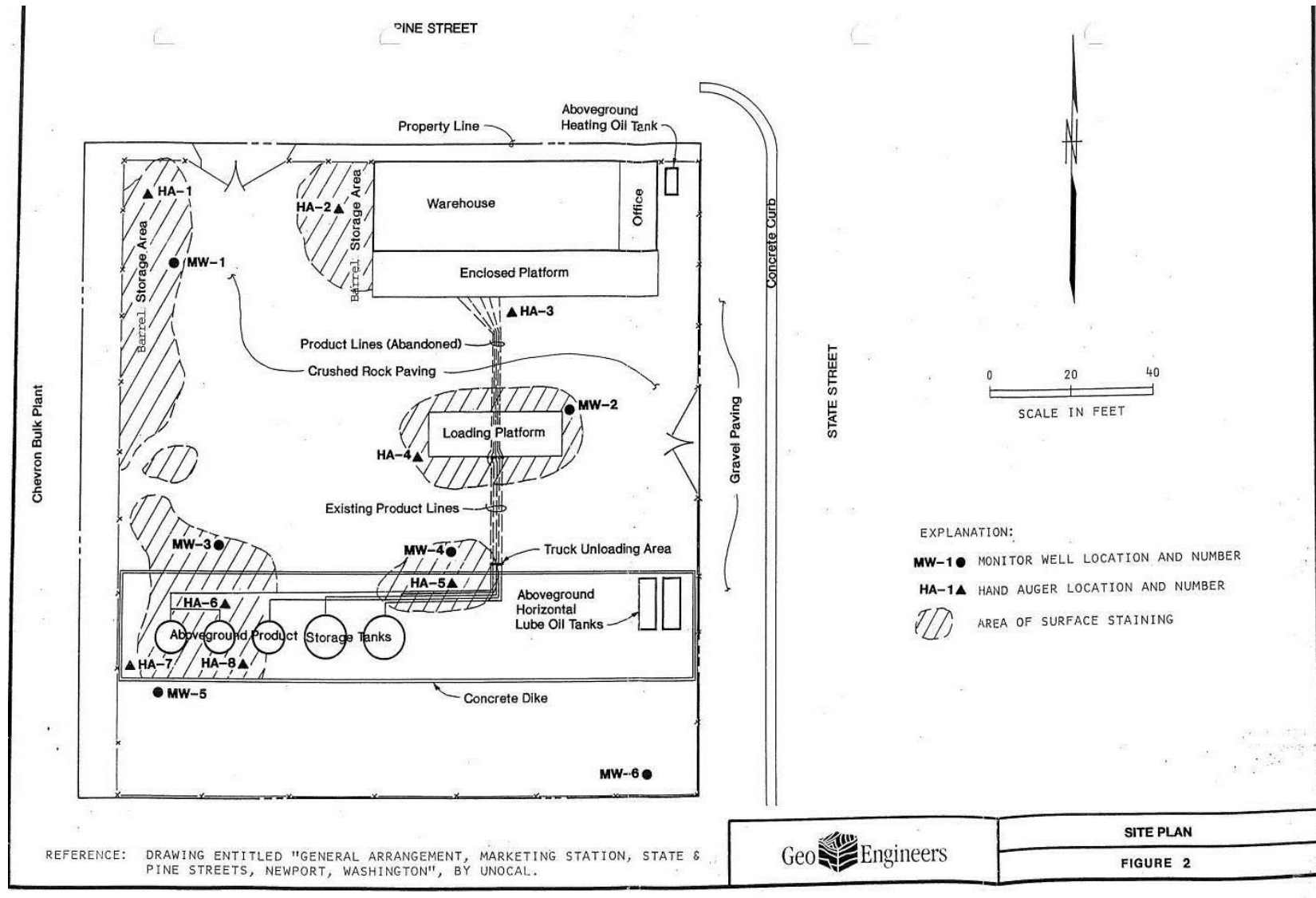
Ecology. *Second Periodic Review*. July 22, 2016.

Ecology. Site Visit. September 29, 2021.

Appendix A. Vicinity Map



Appendix B. Site Plan



Appendix C. Restrictive Covenant

RECORDING REQUESTED BY:

Chicago Title Company
1800 Columbia Center
701 Fifth Avenue
Seattle, WA 98104

RETURN RECORDED DOCUMENT TO:

Union Oil Company of California
376 South Valencia Avenue, AD-315
Brea, CA 92823
ATTN: KAREN BRUTON

Auditor File #: 2002 0266279

COVEN

Recorded at the request of:

LAND TITLE COMPANY

on 12/16/2002 at 11:35

Total of 6 page(s) Fee: \$ 24.00

PEND OREILLE COUNTY, WASHINGTON
ANN SWENSON, AUDITOR

LBLORE

RESTRICTIVE COVENANT

FORMER UNOCAL BULK PLANT 0738 (0528)

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Union Oil Company of California (hereafter referred to as "Unocal"), 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:

1. Report of Geotechnical Services - Subsurface Contamination Study, Bulk Plant 0528, Newport, Washington, for Unocal: GeoEngineers, November 15, 1989.
2. Report of Geoenvironmental Services - Subsurface Contamination Study, Unocal Bulk Plant 0738, Newport, Washington: GeoEngineers, February 9, 1995.
3. Report of Site Cleanup - Subsurface Contamination and Soil Stockpiles, Former Unocal Bulk Plant 0738, Newport, Washington: GeoEngineers, September 27, 1999.

These documents are on file at Ecology's Eastern Regional Office (ERO).

2002 0266279 PAGE 1 OF 6
PEND OREILLE COUNTY, WASHINGTON

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons at 18 feet below grade in the area of VP-4 (MW-4) which exceed the Model Toxics Control Act Method B Residential Cleanup Levels for soil established under WAC 173-340-740.

The undersigned, Unocal, is the fee owner of the real property in the County of Pend Oreille, State of Washington (hereafter referred to as "Property"), that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant, attached hereto and incorporated herein by this reference.

Unocal 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 individually and collectively referred to as "Owner").

Section 1. 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 area of VP-4 (MW-4) below 5 feet 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 ground with a rod, spike or similar item, bulldozing or earthwork, or any activities that may cause migration of the hazardous substances.

Bulk Plant No. 0738
111 West Pine Street
Newport, Washington

2

2002 0266279 PAGE 2 OF 6

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 activities conducted at the Property, and to inspect records that are related to the Remedial Action.

Bulk Plant No. 0738
111 West Pine Street
Newport, Washington

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.

Dated: 9/6/02

UNION OIL COMPANY OF CALIFORNIA
a California corporation

By: *[Signature]*

Its: Attorney-in-Fact

Bulk Plant No. 0738
111 West Pine Street
Newport, Washington

4

2002 0266279 PAGE 4 OF
PEND OREILLE COUNTY, WASHINGTON

ATTACHMENT A

Legal Description of the Property

That certain real property situate in the County of Pend Oreille, State of Washington, as follows:

Lots 1,2,3, and 4 in Block 1 of Koch's Addition to Newport, Pend Oreille County, Washington; also the east one-half of the vacated alley running north and south through said Block 1.

Bulk Plant No. 0738.
111 West Pine Street
Newport, Washington

5

2002 0266279 PAGE 5 OF 1
PEND OREILLE COUNTY, WASHINGTON

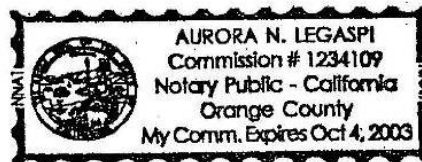
ALL PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

On September 6, 2002, before me, Aurora N. Legaspi, a Notary Public, personally appeared Brian J. Kelly, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument on behalf of said corporation.

Witness my hand and official seal.

Aurora N. Legaspi
Notary Public



ATTENTION NOTARY: Although the information requested below is optional, it could prevent fraudulent attachment of this certification to unauthorized document.

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT.

Title or Type of Document: Restrictive Covenant (BP#0738)

Number of Pages 5 Date of Document September 6, 2002

Capacity of Signer: Attorney-in-Fact

Signer Represents: Union Oil Company of California

Signer(s) Other Than Named Above : None

2002 0266279 PAGE 6 OF 6
PEND OREILLE COUNTY, WASHINGTON

Appendix D. Photo Log

Photo 1: Former Bulk Plant — from the northwest



Photo 2: Site Border with Chevron Bulk Plant — from the north



Photo 3: North Side of Site and Surrounding Use — from the west

