



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
4601 N Monroe Street • Spokane, WA 99205-1295 • 509-329-3400

December 20, 2021

Joey Bains  
Bains and Bolina, LLC  
1301 South Havana Street  
Spokane, WA 99202

**Re: No Further Action at the following Site:**

**Site Name:** GTX Truck Stop  
**Site Address:** 18724 E Cataldo Ave, Spokane Valley  
**Facility/Site ID:** 63511172  
**Cleanup Site ID:** 7275  
**VCP Project ID:** EA0359

Dear Joey Bains:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the GTX Truck Stop facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D Revised Code of Washington (RCW).

**Issue Presented and Opinion**

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Is further remedial action necessary to clean up contamination at the Site?

**No. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.**

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 Washington Administrative Code (WAC) (collectively "substantive requirements of MTCA"). The analysis is provided below.

## Description of the Site

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This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:

- Gasoline- and diesel-range petroleum hydrocarbons (GRPH and DRPH) into the soil.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

## Basis for the Opinion

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This opinion is based on the information contained in the following documents:

- Ecology, Termination and Removal of Restrictive Covenant, April 26, 2021.
- Able Clean-up Technologies Inc., Underground Storage Tank Removal Site Assessment & Remediation Report, January 20, 2021.
- Ecology, Allens GTX Truck Stop Second Periodic Review, February 9, 2016.
- Ecology, Allens GTX Truck Stop- VCP Opinion on Site Cleanup- No Further Action, January 21, 2005.

Some of these documents are accessible in electronic form from the [Site webpage](#)<sup>1</sup>. The complete records are stored in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. Visit our [Public Records Request page](#)<sup>2</sup>, to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at [recordsofficer@ecy.wa.gov](mailto:recordsofficer@ecy.wa.gov) or 360-407-6040.

This opinion is void if any of the information contained in those documents is materially false or misleading.

## Analysis of the Cleanup

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Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

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<sup>1</sup> <https://apps.ecology.wa.gov/gsp/CleanupSiteDocuments.aspx?csid=7275>

<sup>2</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

**1. Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

The Site was previously characterized during the initial cleanup conducted in 2000-2001, when petroleum contamination was discovered in soil beneath the underground storage tanks (USTs) and fuel dispensers at depths ranging from 2.5 to 15 feet below ground surface (bgs). Forty-one discrete soil samples and six soil borings defined the lateral and vertical extent of petroleum contamination, including areas of residual contamination following all remedial actions.

Additional characterization in 2020 consisted of 37 soil samples to identify the locations of residual contamination and confirm the removal of all impacted soils.

**2. Establishment of cleanup standards.**

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

For soil, the cleanup levels were established using MTCA Method A and are based on protection of groundwater. The land use is classified as unrestricted. The cleanup levels are as follows:

<b>Contaminant</b>	<b>Cleanup Level (mg/kg)</b>
Gasoline-range petroleum hydrocarbons (GRPH)	100
Diesel- and oil-range petroleum hydrocarbons (DRPH + ORPH)	2,000

The point of compliance for soils is throughout the lateral and vertical extent of the Site. This is the standard point of compliance based on protection of groundwater, as defined in WAC 173-340-740(6)(a).

**3. Selection of cleanup action.**

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

- Removal of USTs, dispensers, piping, and concrete foundations
- Identification, removal, and disposal of all residual petroleum-contaminated soil

#### **4. Cleanup.**

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site.

Following the decommissioning and removal of the USTs, dispenser islands, and fueling canopy, field screening and prior site characterization reports were used to identify all residual contamination, with twenty soil samples collected to confirm the locations of impacted soil. A total of 560.9 tons of soil were removed and disposed at Graham Road Landfill in Airway Heights, WA. Seventeen samples were collected from the excavation base and sidewalls to confirm that all impacted soil was removed.

#### **5. Removal of institutional controls.**

The initial remedial actions conducted from 2000-2001 required institutional controls to restrict land-use and prevent exposure to residual contaminated soil. Therefore a restrictive covenant was filed with Spokane County on January 18, 2005 under recording number 5170266. Based on the evidence provided that no petroleum-contaminated soil remains on Site exceeding MTCA cleanup levels, Ecology has determined that institutional controls are no longer required at the Site. Therefore, a termination and removal of the restrictive covenant was granted by Ecology on April 26, 2021 under recording number 7066250. This document is attached as **Enclosure B**.

### **Listing of the Site**

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Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List (CSCSL) and Leaking Underground Storage Tank (LUST) List

#### **Limitations of the Opinion**

##### **1. Opinion does not settle liability with the state.**

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

**2. Opinion does not constitute a determination of substantial equivalence.**

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70.105D.080 and WAC 173-340-545.

**3. State is immune from liability.**

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

**Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me by phone at (509) 329-3522 or e-mail at [ted.uecker@ecy.wa.gov](mailto:ted.uecker@ecy.wa.gov).

Sincerely,



Ted M. Uecker  
ERO Toxics Cleanup Program

tmu;hg

Enclosures (2):     A – Site Description and Diagram  
                          B – Termination and Removal of Restrictive Covenant

cc:     Kipp Silver, Able Clean-up Technologies, Inc.  
          Kathy Falconer, Ecology **KLF**

December 20,  
2021 Page 6 of 6

Fiscal, VCP Fiscal Analyst  
TCP, Operating Budget Analyst

## **Enclosure A**

### **Description and Diagram of the Site**

# Site Description

## Background

The Site is located in the City of Spokane Valley on Spokane County tax parcel 55172.0222. Barker Road and the I-90 interchange and overpass are located to the west and south of the Site. East Cataldo Avenue crosses North Barker Road northwest of the Site.

The Site is zoned commercial (B-3) and until 2020 was developed as a truck stop facility that includes a convenience store, restaurant, and fuel facility. Surrounding land uses include mixed commercial and residential development.

Texaco developed the property as a service station in 1971. Additions were constructed to the original metal building in 1980 and 1985. A gasoline service facility with canopy, two pump islands, and three underground storage tanks (USTs) were located on the west side of the existing building. A diesel UST system located on the northern portion of the Site was constructed in 1988.

## Remedial Activity

The diesel pump island area was renovated between December 2000 and March 2001. The renovation included installation of new pump islands and barriers, re-arrangement of the dispensing units, placement of containment sumps beneath the dispensing units and piping connections, and pouring a new concrete pad with a storm water and spill containment system.

Diesel-impacted soil was discovered beneath several dispensing units and in various locations beneath the former concrete pad during the renovation work. The affected soil appeared to be the result of leaks from various piping connections or from connections below the dispensers, and from minor spills during refueling operations.

Remedial excavation activities were conducted between December 2000 and January 2001 in areas of observed petroleum hydrocarbon contamination beneath the canopy and concrete slab. Soil appeared to be affected to a depth of 2.5 to 5 feet below ground surface (bgs). The pipe and dispensing unit's releases appeared to have affected soil to a depth up to 12 to 15 feet bgs.

The excavation depth ranged from 2.5 to 15 feet bgs; the lateral limits consisted of the area immediately beneath the former concrete pad, within the canopy footprint. Thirty-six soil samples were collected from the excavation following removal of affected soil. Diesel-range petroleum hydrocarbons (DRPH) concentrations ranged from non-detect up to 18,900 milligrams per kilogram (mg/kg). Of the 36 samples, 18 were non-detect, and 15 were below the cleanup level. The remaining 3 samples were above the cleanup level, ranging from 2,420 to 18,900 mg/kg.



Remedial activities were conducted at the diesel tanks in June 2001. Based on visual observations, a pressure line leak was detected at an elbow in the pipe run immediately adjacent to Turbine No. 2, associated with the middle 10,000-gallon tank. Soil beneath the turbine area appeared to be impacted with DRPH as a result of the leak. A minor intermittent leak was also detected at Turbine No.3, associated with the southern-most 12,000-gallon tank. Obvious stained soil around Turbines No. 2 and 3 and over the west ends of Tanks No. 2 and 3 was excavated to depths of 2.5 to 5 feet bgs. Five soil samples were collected from between the three USTs at the diesel tank bed and from within the excavation. Residual DRPH concentrations ranged from 21.6 to 16,700 mg/kg. Only one sample, collected from between Tanks No. 2 and 3, was above MTCA Method A cleanup levels for DRPH. Based on these results, three soil borings (B1 through B3) were advanced in July 2001. Soil samples collected from the borings did not contain petroleum hydrocarbons at concentrations exceeding MTCA Method A cleanup levels.

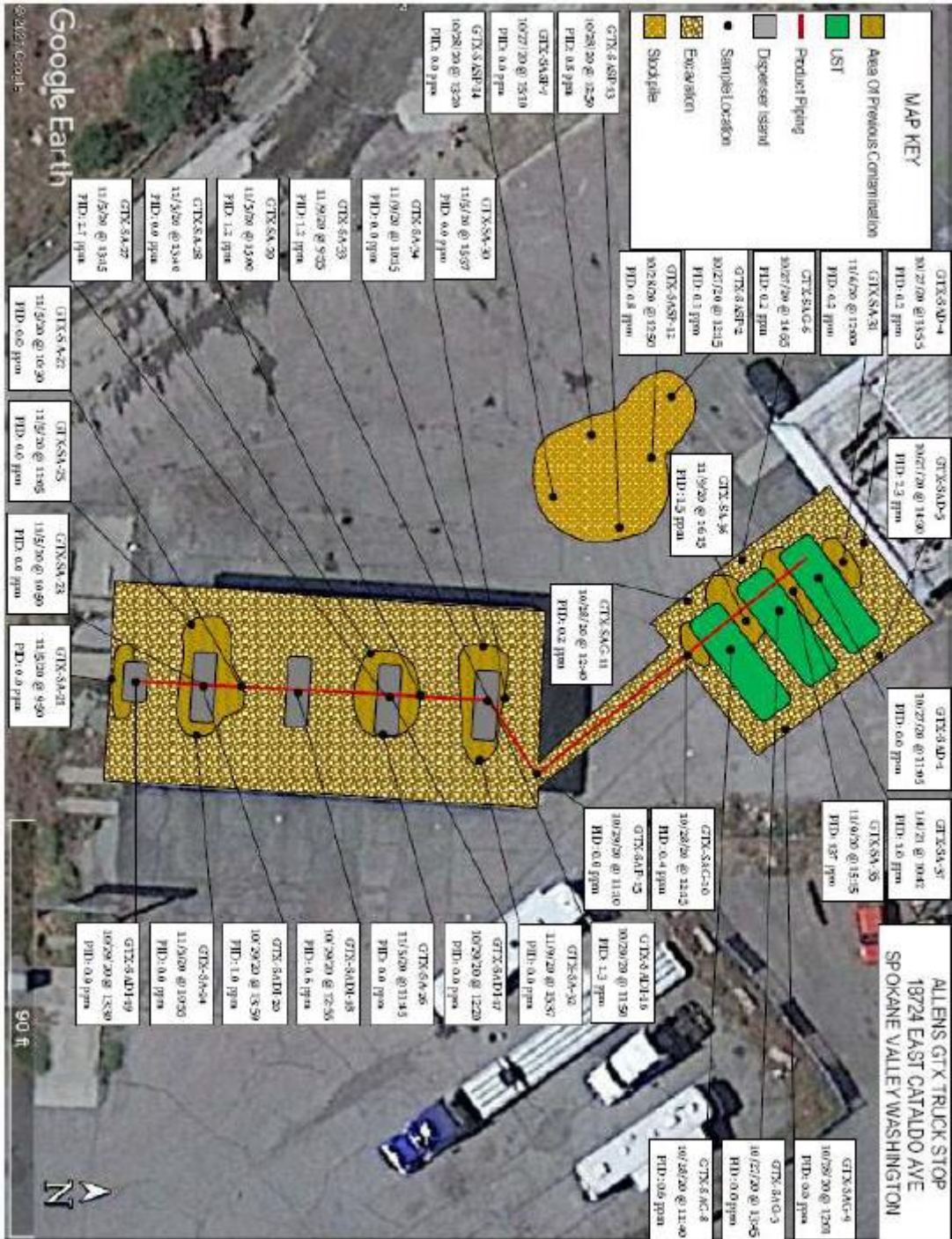
Additional site characterization was conducted using soil borings and sampling to define the extent of contamination. Three soil borings (B4 through B6) were completed in October 2001, beneath the canopy. Soil sample results from the pump island borings were either non-detect for petroleum hydrocarbons or below cleanup levels.

Approximately 1,263 tons of diesel-impacted soils were transported to the Graham Road Landfill in Medical Lake, Washington, for disposal. The excavations were backfilled with pea gravel. Three residual affected zones remained at the diesel pump islands. Residual affected soil remained beneath pump islands 1, 2, and 4 (between 12 and 15 feet bgs) and around the adjacent canopy support post footings. The affected soil could not be completely removed due to the presence of the canopy post footings. Residual affected soil also remained in the diesel tank bed between Tanks No. 2 and 3. A restrictive covenant was filed with Spokane County in January 2005 to prohibit soil disturbance and prevent direct contact with contaminated soils.

In October 2020, the three USTs were decommissioned and removed, along with the four dispenser islands, one satellite diesel dispenser, building, and fueling canopy. Remaining contaminated soils were identified using field screening, along with locations identified in the 2005 cleanup reports, and a total of 560.9 tons of contaminated soil were excavated and disposed. A site assessment was conducted following the UST removal, which included twenty (20) soil samples collected in the UST and dispenser excavations and stockpile, and seventeen (17) confirmation soil samples collected following the excavation of the residual contaminated soil. All of the thirty-seven (37) soil samples were analyzed for benzene, toluene, ethylbenzene, and xylenes, while samples were selectively analyzed for gasoline-range petroleum hydrocarbons (GRPH) or DRPH based on the contents of the adjacent UST. All samples were below the MTCA Method A cleanup levels with the exception of one sample at 33 feet bgs from the bottom of the excavation between the gas and diesel USTs, which contained GRPH at 160 mg/kg and DRPH at 3200 mg/kg. In January 2021, this area was excavated to 44

feet bgs and resampled, all analytes were below the laboratory method reporting limit (MRL) except diesel, which was below the MTCA Method A cleanup level.

# Site Diagram



## **Enclosure B**

### **Termination and Removal of Restrictive Covenant**

AFTER RECORDING MAIL TO:



Ted Uecker  
Toxics Cleanup Program  
4601 N. Monroe St.  
Spokane, WA 99205

## RECORDING COVER SHEET

**DOCUMENT TITLE: TERMINATION AND RELEASE OF RESTRICTIVE  
COVENANT**

**REFERENCE NUMBER: 5170266**

**PARCEL NUMBER: 55172.0222**

**GRANTOR: STATE OF WASHINGTON, DEPT. OF ECOLOGY**

**GRANTEE: BAINS & BOLINA, LLC**

**ABBREV. LEGAL DESC: PTN OF GREENACRES IRRIG. DITCH AND LOTS  
5 AND LOT 6, BLOCK 2, CORBIN PARK ADDN TO  
GREENACRES**

**FULL LEGAL DESC ON PAGE 2 & 3**

After Recording Return  
Original Signed Release to:  
**Ted Uecker**  
**Toxics Cleanup Program**  
**4601 N Monroe St**  
**Spokane, WA 99205**

## **TERMINATION AND RELEASE OF RESTRICTIVE COVENANT**

**Grantor:** State of Washington, Department of Ecology  
**Grantee:** Bains & Bolina LLC  
**Brief Legal Description:** 18724 E Cataldo Ave, Spokane Valley  
**Cleanup Site ID:** 7275  
**Facility/Site ID:** 63511172  
**Tax Parcel Nos.:** 55172.0222  
**Cross-Reference:** 5170266

Pursuant to the Model Toxics Control Act (MTCA), Chapter 70.105D RCW; the Uniform Environmental Covenants Act, RCW 64.70.100; and WAC 173-340-440, the Washington State Department of Ecology (Ecology) has determined, after public notice and comment, that the Restrictive Covenant (hereafter "Covenant") filed of record in **Spokane County** under Auditor File Number **5170266** on **January 18, 2005** between **Puran Singh** as Grantor(s) and Ecology as Grantee or Holder of the Covenant over the property legally described below is no longer necessary under MTCA and its implementing regulations, Chapter 173-340 WAC, to protect human health and the environment and the integrity of the remedial action. Ecology hereby consents to termination and release of the Covenant and relinquishes and quitclaims to **Bains & Bolina LLC** any and all rights it may have that were created by the Covenant.

This document is not a settlement under MTCA. Ecology's signature below does not constitute a covenant not to sue or a compromise of Ecology's authority or rights other than those rights created by the Covenant itself.

The legal description of the property subject to the Covenant is as follows:

**That portion of the Greenacres Irrigation Ditch and Lots 5 and Lot 6, Block 2, Corbin Addition to Greenacres, according to Plats recorded in Volume "S" of Plats, page 30, in Spokane County, Washington, More Particularly described as follows:**

**Beginning at the Northwest corner of said Lot 6:**

**Thence South 00° 17'30" East, along the Westerly Boundary of said Block 2, A distant of 58.17 feet to point on the southwesterly line of said Greenacres Irrigation Ditch:**

**Thence along said southwesterly line south 85°03' East, 50.4 feet of the point of a curve on a 32.07 foot radius curve right whose central angle is 48°21',**

**Thence along the arc of said curve right a distance of 27.06 feet to the point of Tangent;**

**Thence South 36°42' East, 164.40 feet;**

**Thence South 36°21' East, 42.79 feet to the point of beginning;**

**Thence North 53°39' East, 200 feet;**

**Thence South 36°21' East, 240 feet;**

**Thence South 53°21' West, 200 feet;**

Thence North 36°21' West, 240 feet to the true point of beginning;  
Except that portion deed to the State of Washington for State Route 90 under Auditor's  
File No. 4639619.

Dated this 12 day of April, 2021

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Kathleen L. Falconer  
by KATHLEEN L. FALCONER

Title: Section Manager, TOXIC Cleanup Program

STATE ACKNOWLEDGMENT

STATE OF Idaho

COUNTY OF Teton

On this 12 day of April, 2021, I certify that Kathleen L. Falconer  
personally appeared before me, acknowledged that he/she is the Section Manager TCP  
of the state agency that executed the within and foregoing instrument, and signed said instrument by  
free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that  
he/she was authorized to execute said instrument for said corporation.

[Signature]  
Notary Public in and for the State of Washington  
Idaho



Residing at Driggs ID

My appointment expires 7-10-2024

**CONSENT TO TERMINATION AND RELEASE OF COVENANT**

The undersigned **Gurchait Bains** hereby consents to the release and termination of the above-described Environmental Covenant.

X Gurchait Bains

by: Gurchait Bains

Title: Member / Manager of Bains + Bolina, LLC

Dated: 4/21/2021

**REPRESENTATIVE ACKNOWLEDGEMENT**

STATE OF Washington  
COUNTY OF Spokane

On this 26<sup>th</sup> day of April, 2021, I certify that Gurchait Bains personally appeared before me, acknowledged that **he** signed this instrument, on oath stated that **he** was authorized to execute this instrument, and acknowledged it as the **75% owner** of **Bains & Bolina LLC** to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

Charles V. Carroll

Notary Public in and for the State of Washington

Residing at Spokane

My appointment expires 12/19/2022

