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**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Southwest Region Office

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November 14, 2022

Daniel Hermann
Fred Meyer
PO Box 42121
Portland, OR 97242-0121
daniel.hermann@fredmeyer.com

Re: Notice of Third Periodic Review conducted at the following Hazardous Waste Site:

- **Site Name:** Totem Pole Restaurant
- **Site Address:** 7720 NE Hwy 99, Vancouver, Clark County, WA 98665
- **Facility/Site ID:** 21515785
- **Cleanup Site ID:** 5686

Dear Daniel Hermann:

This letter serves to inform you that the Department of Ecology (Ecology) conducted the Third Periodic Review at the Totem Pole Restaurant Site. The [Model Toxics Control Act \(MTCA\)](#),¹ chapter [70A.305](#)² Revised Code of Washington (RCW), which governs the cleanup of hazardous waste sites in Washington State, requires a periodic review of all sites with institutional controls and environmental covenants be conducted every five years.

The periodic review process includes the following steps:

- Confirmation that the environmental covenant is still active and recorded with the title to the property.
- A review of any monitoring data collected since the cleanup was completed or since the last review was conducted.
- A Site visit to confirm the institutional controls and conditions of the environmental covenant are being followed.
- A 30-day public comment period on the draft periodic review report.

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Based on the information collected during this Third periodic review, the Totem Pole Restaurant Site appears to meet the requirements of chapter 173-340 Washington Administrative Code (WAC), and the selected remedy continues to be protective of human health and the environment.

The 30-day public comment period on the draft periodic review report ended on October 23, 2022. We received no public comments on the draft periodic review report. Enclosed is the final periodic review report for your information.

A periodic review is performed every five years as long as institutional controls and/or an environmental covenant are required to protect human health and the environment. The next periodic review will be due in October, 2027.

If you have any questions or if you would like additional information on the cleanup of hazardous waste sites, please contact me at 360-485-3987 or andrew.smith@ecy.wa.gov. Thank you for your cooperation.

Sincerely,



Andrew Smith, P.E.
Toxics Cleanup Program
Southwest Region Office

AS/js

Enclosure(s): Third Periodic Review Report

By certified mail: 9489 0090 0027 6066 5419 89

cc: Ecology Site File



THIRD PERIODIC REVIEW REPORT FINAL

**TOTEM POLE RESTAURANT
Facility Site ID#: 21515785
Cleanup Site ID#: 5686**

**7720 NE Highway 99
Vancouver, Washington 98665**

**Southwest Regional Office
TOXICS CLEANUP PROGRAM**

October 2022

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to ensure that human health and the environment are being protected at the former Totem Pole Restaurant site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). The second periodic review was completed in November 2016. This periodic review will evaluate the period from December 2016 through December 2021.

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) exceeding MTCA Method A cleanup levels remaining at the Site. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action.
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree.
- (c) Or, as resources permit, whenever the department issues a no further action opinion
- (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, 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 Former Totem Pole Restaurant (Site) is located at 7720 Northeast Highway 99 in the City of Vancouver in Clark County, Washington (Vicinity Map - Appendix 6.1). Following remedial activities, a Restrictive Covenant was recorded for the property in October 2000 and the Site received a No Further Action determination on June 27, 2006.

The area surrounding the Site is predominantly commercial. The Site is occupied by a commercial building that contains a framing store, a cellular phone store, a coffee shop, and a tanning salon. The Site is bounded to the east by Highway 99, to the north by NE 78th Street, to the west by Interstate 5, and to the south by a Fred Meyer store. Current and old Site maps are available as Appendix 6.2.

Some time prior to 1960, the Site was occupied by an automotive service station. A geophysical survey of the Site in 1999 indicated the presence of several possible underground structures. Test pits did not locate underground storage tanks (USTs), however, a former dispenser island and product piping were located. It appeared that the USTs had already been removed.

2.2 Site Investigation

In April 1999, soil samples were collected from a test pit at the former fuel dispenser island and product piping location. Analysis indicated the presence of TPH-G and heavy oil-range petroleum hydrocarbons (TPH-O) at maximum concentrations of 4,880 milligrams per kilogram (mg/kg) and 202 mg/kg, respectively. Between 1999 and 2000, several soil borings and monitoring wells were advanced at the Site. Additional soil contamination was confirmed including, benzene, toluene, ethylbenzene and xylenes (BTEX) at concentrations exceeding MTCA Method A cleanup levels. TPH-G (3,160 µg/l), and benzene (13.9 µg/l) were also detected in groundwater at concentrations exceeding MTCA Method A cleanup levels. Soil and groundwater sample locations and analytical results are included as Appendix 6.3.

2.3 Remediation

In June 2000, approximately 2,020 tons of petroleum-contaminated soils (PCS) were excavated from the Site and disposed of at Hawks Prairie Waste and Recovery in Olympia, Washington and at Rabanco Regional Disposal Company in Roosevelt, Washington. Confirmation soil samples collected during and after the excavation indicated residual concentrations of TPH-G and BTEX compounds exceeding MTCA Method A cleanup levels. Residual concentrations of TPH-G were present up to 2,960 mg/kg, and residual concentrations of BTEX were present up to 2.04

mg/kg benzene, 16.6 mg/kg ethylbenzene and 24.4 mg/kg xylenes. This contaminated soil was located right next to the building and was not removed. A figure showing the approximate area of excavation and locations of groundwater monitoring wells is available in Appendix 6.4.

Table 1. Maximum residual soil concentrations.

Contaminant	TPH-G	Benzene	Ethylbenzene	Xylenes
Concentration (mg/kg)	2,960	2.04	16.6	24.4
Site Cleanup Levels	100	0.5	20	20
Current MTCA Method-A Cleanup Levels	30	0.03	6	9

A passive bioventing system was installed during backfilling activities along the north and east sidewalls of the excavation. The system included slotted horizontal 2-inch diameter, slotted polyvinyl chloride piping. The piping was installed approximately 4.5 feet below ground surface and was connected to two 2-inch risers that extend above the ground surface.

2.4 Soil to Vapor Pathway

Evaluation of the soil to vapor pathway is required at Sites contaminated with 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 gasoline range organics and/or other VOC concentrations are significantly higher than the cleanup levels derived for protection of groundwater for drinking water beneficial use, or where soil diesel range organic 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 Department of Ecology draft “Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action” should be used.

Though the Former Totem Pole Restaurant Site is contaminated with VOCs and some contaminated soils were left on the Site exceeding the cleanup levels (Table 1), no investigations were conducted at this Site to evaluate the soil to vapor pathway and whether potential vapor concentrations are protective of human health or 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 service station operated on the Site sometime between 1930 and 1960. As such, any release that occurred at the Site would have happened 56 years ago. During that time, many of the VOCs present in the gasoline would have likely volatilized. Based on the results of the confirmation soil samples collected in 2000 from the excavation sidewalls,

the ratio of VOCs to gasoline was indicative of weathered gasoline, which does not produce many vapors. Also it has been over 16 years these samples were collected and it is likely that VOCs present in the samples have volatilized even further and the current gasoline concentrations on the Site are likely much lower.

- In 2000, the majority of contaminated soils beneath the Site (about 2,020 tons) was excavated and disposed of leaving only a small quantity of VOC contaminated soils behind.
- Groundwater beneath the Site is no longer impacted.
- The results of 2000 confirmation soil samples show very low benzene concentrations.

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.

2.5 Point of Compliance

The point of compliance for soil is defined as the area throughout the Site affected by concentrations of petroleum hydrocarbons in soil above MTCA Method A cleanup levels, regardless of depth, to protect groundwater. The standard point of compliance for groundwater is throughout the Site from the uppermost level of the saturated zone to the lowest depth that could possibly be affected by the Site.

2.6 Groundwater Monitoring

Monitoring wells MW-1, MW-2, and MW-3 were removed during the remedial excavation and replaced following the completion of remedial activities. These wells were sampled quarterly from March 2001 until March 2002. A steady decrease in contaminants was observed until all contaminants except TPH-G were not detectable by March 2002. In July 2002, Ecology agreed that final Site compliance for groundwater would be achieved when four consecutive quarters of groundwater monitoring indicated TPH-G concentrations below the MTCA Method A cleanup level of 800 micrograms per liter ($\mu\text{g}/\text{l}$). Sampling continued until January 2006, when the fourth consecutive quarter of TPH-G in groundwater at concentrations below 800 $\mu\text{g}/\text{L}$ was achieved, the groundwater monitoring was discontinued. The Table-2 below presents the groundwater sampling results.

Table 2. Groundwater monitoring results - last five quarters.

Monitoring Well	Date	TPH-G (µg/l)	Benzene (µg/l)	Ethylbenzene (µg/l)	Toluene (µg/l)	Xylene (µg/l)	Naphthalene (µg/l)
MW-1	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	...	<0.200	<0.500	<0.500	<1.00	<2.00
	11/01/05	110	...	...	...	...	...
	01/05/06	94.30	<0.200	<0.500	<0.500	<1.00	<2.00
MW-2	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	...	<0.200	<0.0500	<0.500	<1.00	<2.00
	11/01/05	<80.0	...	...	...	...	...
	01/05/06	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
MW-3A	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	...	<0.200	<0.500	<0.500	<1.00	<2.00
	11/01/05	223	...	...	...	...	...
	01/05/06	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
MW-4	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	...	<0.200	<0.500	<0.500	<1.00	<2.00
	11/01/05	<80.0	...	...	...	...	...
	01/05/06	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
MTCA Method-A Cleanup Levels		800	5	700	1000	1000	160

Note: All the contaminant concentrations are below cleanup levels.
...(ellipsis) means contaminant not analyzed.

2.7 Restrictive Covenant

On October 10, 2000, a Restrictive Covenant was recorded for the Site. The following restrictions were imposed on the Site as a result of the residual contamination exceeding MTCA Method A cleanup levels:

1. The Property contains petroleum-contaminated soil and groundwater. No soil or groundwater may be taken for any use whatsoever from the Property, except as needed for sample collection and analysis or as provided in Section 2 below.

2. Any activity on the Property that may result in the release or exposure to the environment of petroleum-contaminated soil or groundwater, or that may create a new pathway for exposure to petroleum-contaminated soil or groundwater, is prohibited without written approval for Ecology. Ecology may provide its written approval only after public notice and comment. Construction activities (including excavation and removal of soil) outside areas of petroleum-contaminated soil and above the seasonal high groundwater level, do not require written approval from Ecology.
3. The Owner must restrict leases to uses and activities consistent with this Declaration and notify all lessees of the Declaration and resultant restrictions on the use of the property.
4. The Owner shall allow authorized representatives of Ecology the right to enter Property at reasonable times for the purpose of evaluating the Remedial Action, for the following purposes: to take samples, to inspect Remedial Actions conducted at the Property, and to inspect records that are related to the Remedial Action.
5. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Declaration shall no longer limit use of the Property or be of any further force or effect. Such instrument may be recorded only if and when Ecology, after public notice and opportunity for comment, concurs in the release of the Property from this Declaration.

The Restrictive Covenant is available as Appendix 6.5.

3.0 PERIODIC REVIEW

3.1 Effectiveness of Completed Cleanup Actions

Based upon the Site visit conducted on July 14, 2021, the building and asphalt cover at the Site continue to eliminate 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 still occupied by commercial businesses. A photo log is available as Appendix 6.6.

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants 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 assure the long term integrity of the Site's impermeable surfaces.

3.2 New Scientific Information for Individual Hazardous Substances for Mixtures Present at the Site

There is no new relevant 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

3.3.1 Modified Cleanup Levels

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

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

Although cleanup levels changed for gasoline and volatile organic compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above MTCA Method A cleanup levels and the cleanup action is still protective of human health and the environment. In addition, though there is lack of soil vapor and indoor air data, as discussed in section 2.4, risk to the human health and the environment is low through the soil to vapor pathway.

3.3.2 Residual Saturation

Initial cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). Current WAC 173-340-747(10) provides that,

“To ensure the soil concentrations established under one of the methods specified in subsections (4) through (9) of this section will not cause an exceedance of the ground water cleanup level established under WAC 173-340-720, the soil concentrations must not result in the accumulation of nonaqueous phase liquid in groundwater. To determine if this criterion is met....residual saturation screening levels must be established and compared with the soil concentrations.”

Model Toxics Control Act Method –A Unrestricted land use soil cleanup levels (30 mg/kg) were established for gasoline-range petroleum hydrocarbons. Soil concentrations (297 mg/kg – 1460 mg/kg) at the Site exceed this cleanup level and also the residual saturation screening level of 1000 mg/kg for weathered gasoline (Table 747-5 of MTCA). However, results of groundwater monitoring at the Site indicates that these soil concentrations do not pose a threat to groundwater quality. The groundwater monitoring was discontinued in February 2006, after attaining four consecutive rounds of contaminant concentrations either below MTCA Method A cleanup levels or below the laboratory detection limits.

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 effect 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, under WAC 173-340-740(6)(f), 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 have been met.
- Soil concentrations of TPH-G exceed the cleanup level and the saturation concentration for the weathered gasoline; groundwater monitoring indicates that these concentrations do not pose a threat to groundwater.
- No soil vapor or indoor air investigations were conducted to determine any potential risk through soil to vapor pathway. However, as discussed in section 2.4, Ecology considers the risk posed by the soil to vapor pathway to be low.
- The Restrictive 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 review, the Department of Ecology has determined that the requirements of the Restrictive Covenant have been satisfactorily completed. No additional actions are required by the property owner at this time. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the cap 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

Hahn and Associates. 1999. Site Investigation and Method B Evaluation.

Hahn and Associates. 1999. Data Gap Investigation Report.

GeoEngineers. 2000. Voluntary Cleanup Program Remedial Action Summary Report.

Department of Ecology. 2000. Restrictive Covenant.

Department of Ecology. 2006. No Further Action Letter.

Department of Ecology. October 2009. Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action.

Department of Ecology. July 14, 2021, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map

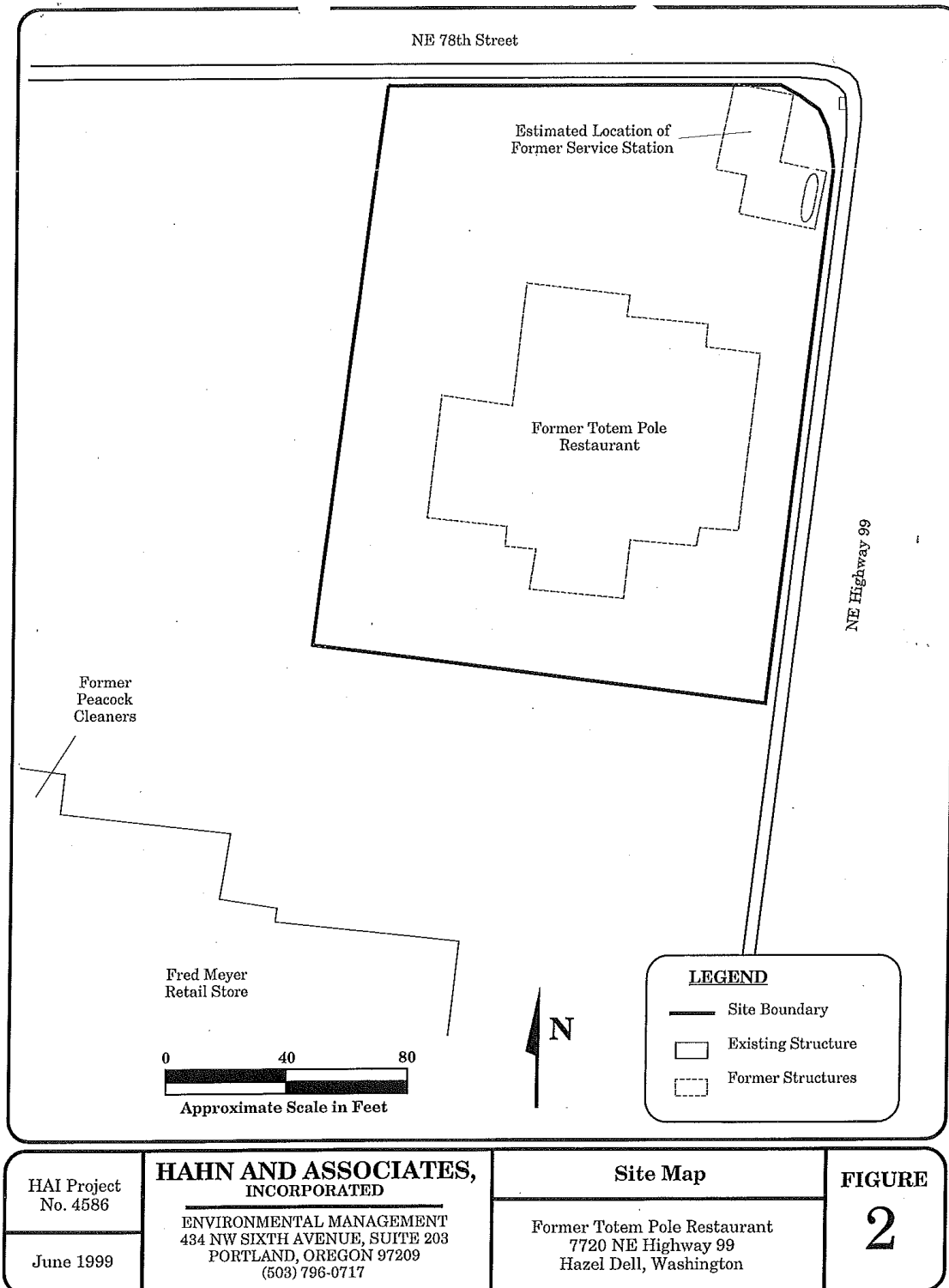


6.2 Current Site Plan

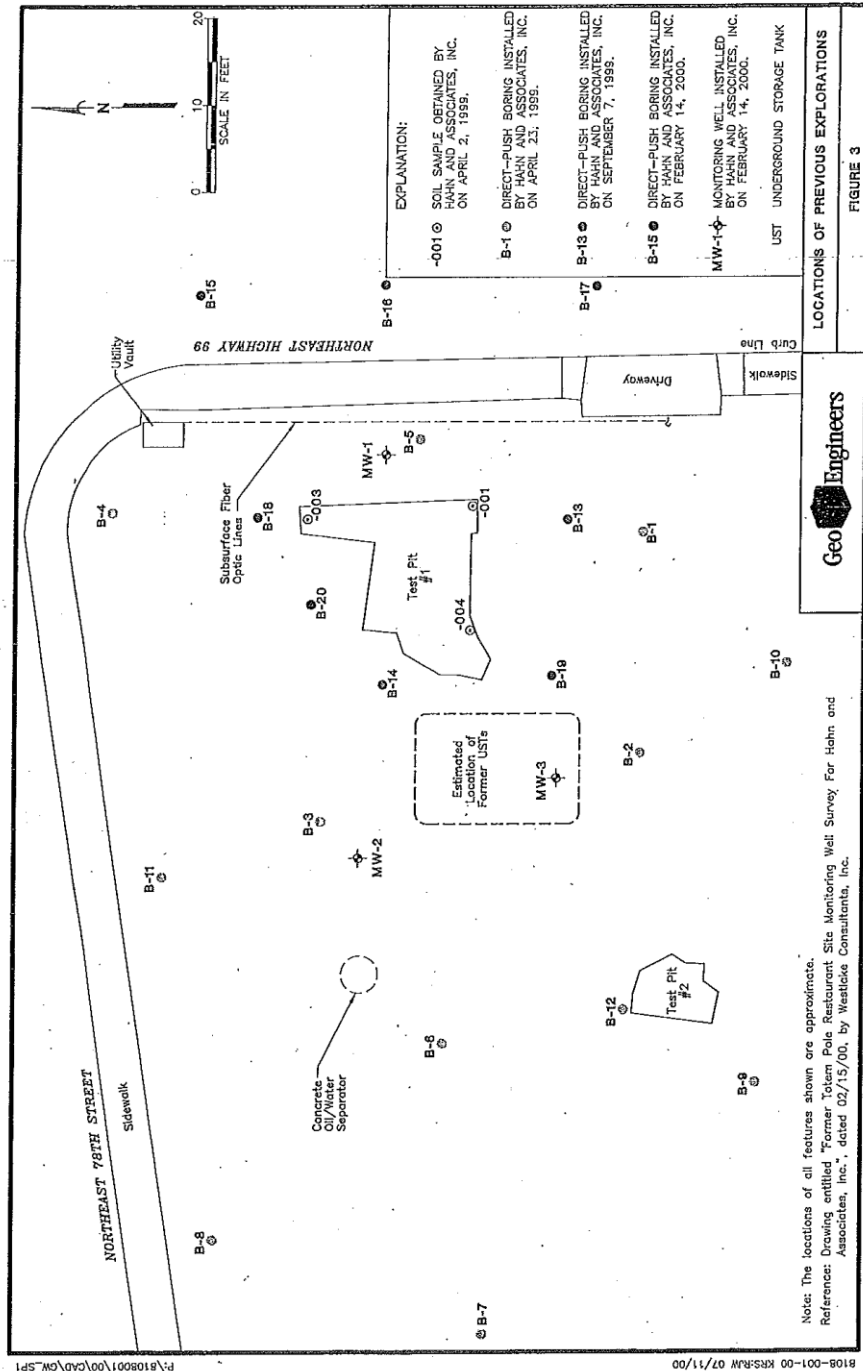
Former Totem Pole Restaurant Site

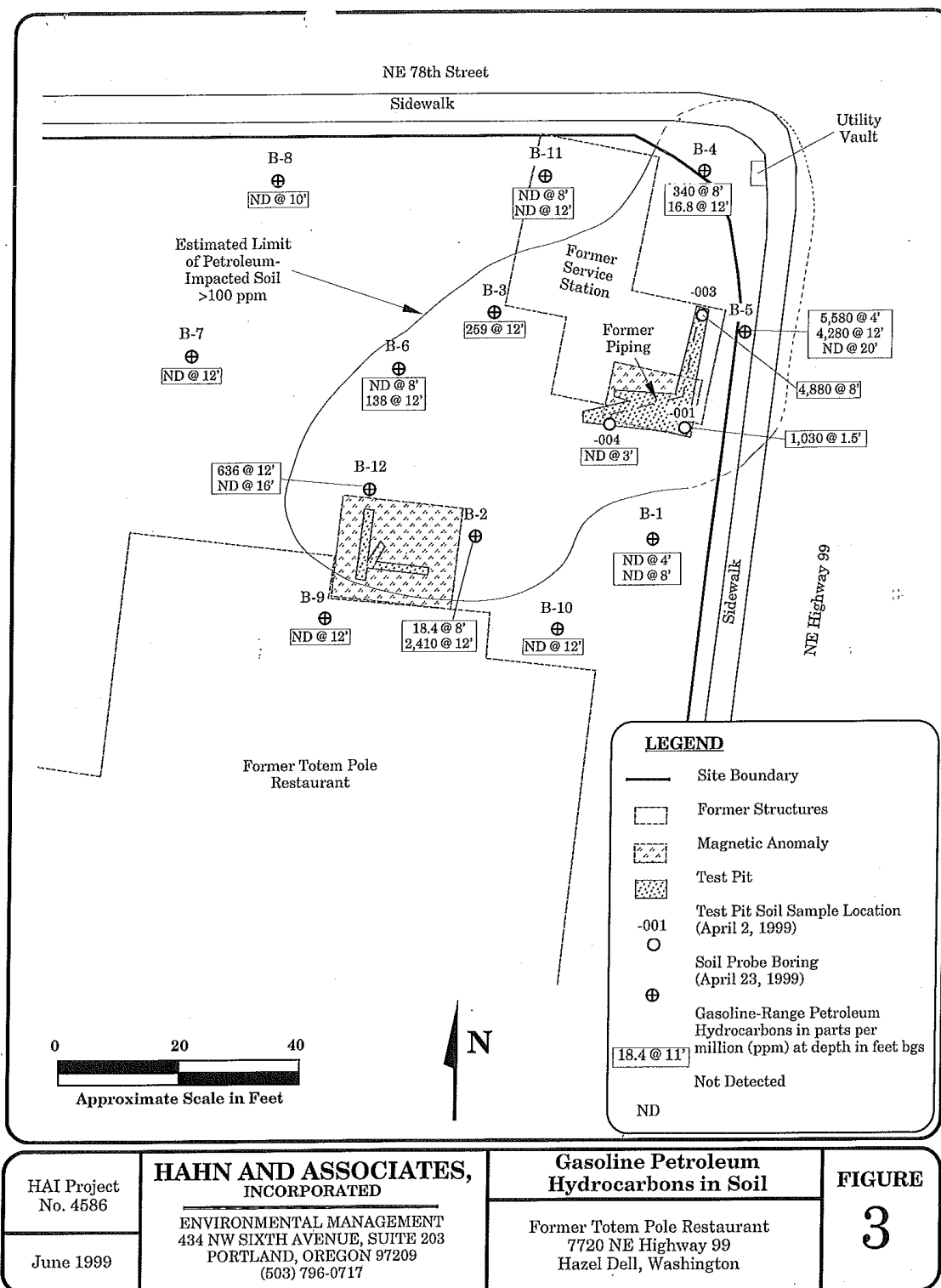


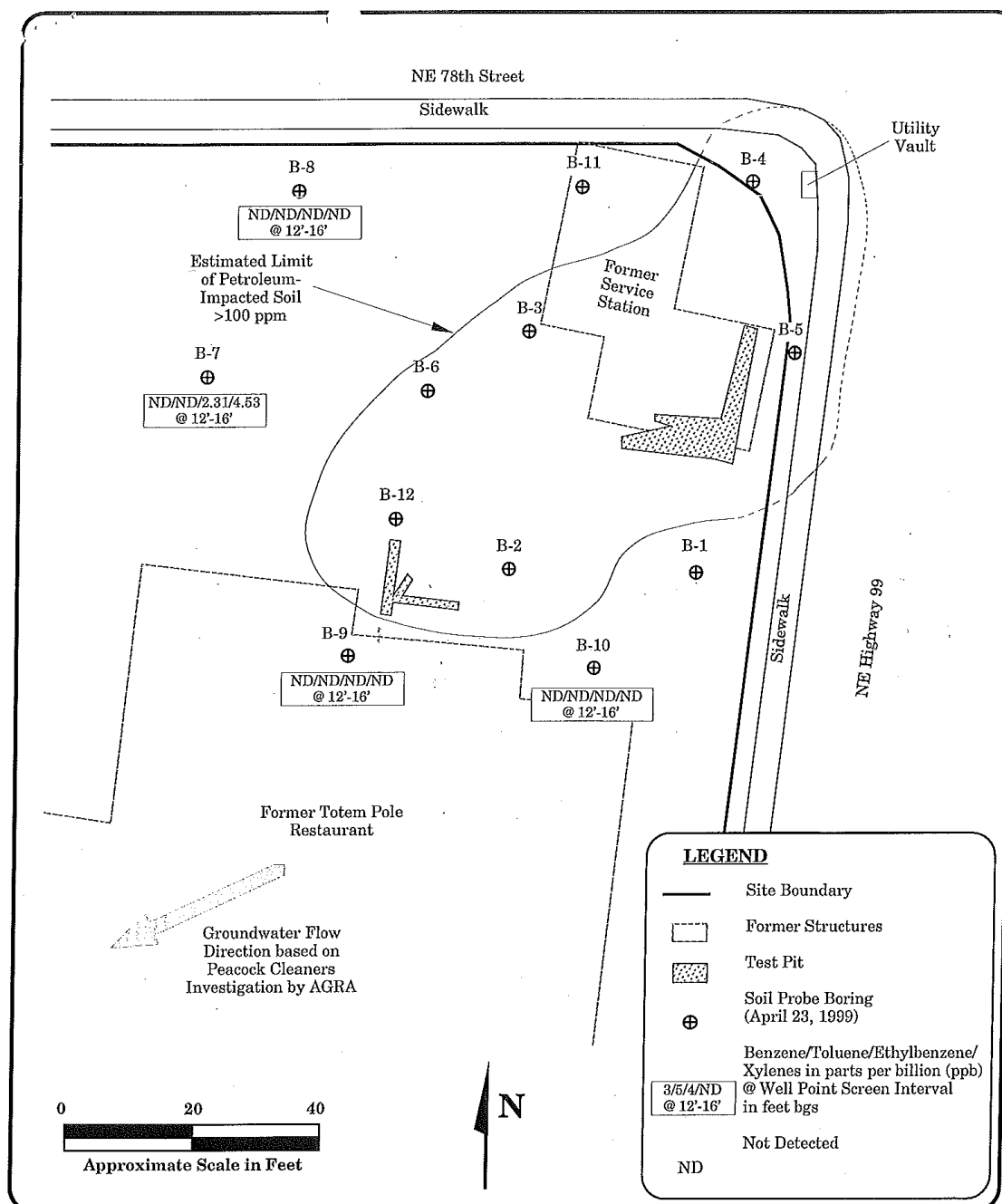
Old Site Plan



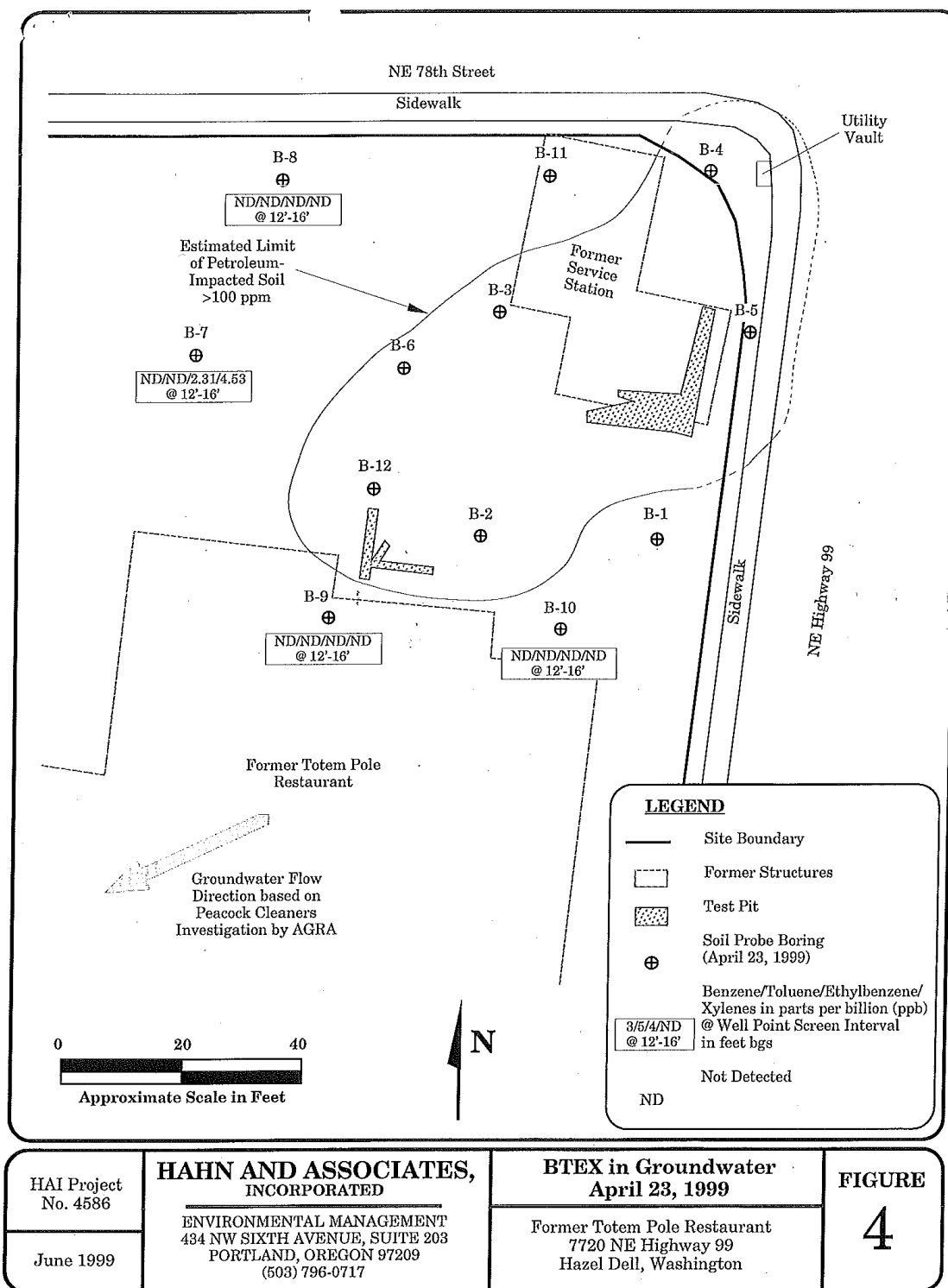
6.3 Soil and Groundwater Sampling Locations and Results







HAI Project No. 4586	HAHN AND ASSOCIATES, INCORPORATED	BTEX in Groundwater April 23, 1999	FIGURE 4
June 1999	ENVIRONMENTAL MANAGEMENT 434 NW SIXTH AVENUE, SUITE 203 PORTLAND, OREGON 97209 (503) 796-0717	Former Totem Pole Restaurant 7720 NE Highway 99 Hazel Dell, Washington	



TOTEM POLE RESTAURANT

TABLE 2
SUMMARY OF GROUNDWATER CHEMICAL ANALYTICAL DATA¹

FRED MEYER HAZEL DELL
VANCOUVER, WASHINGTON

Monitoring Well Number	Date Sampled	Gasoline-range Hydrocarbons (Northwest Method NWTPH-Gx) (µg/l)	VOCs ² (EPA Method 8021B and/or 8260B) (µg/l)				
			B	E	T	X	Naphthalene
MW-1	03/30/01	1,430	12.9	11.3	18.0	34.3	93.1 ³
	06/18/01	2,850	10.8 ⁴	<0.500	7.78	5.62 ⁴	86.8 ³
	06/21/01	--	--	--	--	--	60.3 ³
	09/10/01	2,150	14.8 ⁵	<0.500	<0.500	3.14	60.3 ³
	12/03/01	3,390	2.20	<1.00	<1.00	5.68	137
	03/27/02	2,520	1.69	<1.00	<1.00	1.64	<2.00
	06/10/04	<80.0	<0.200	<0.500	<0.500	<1.00	--
	09/15/04	412	<0.200	<0.500	<0.500	<1.00	<5.00
	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	144	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	-- ⁹	<0.200	<0.500	<0.500	<1.00	<2.00
	11/01/05	110 ⁸	--	--	--	--	--
	01/05/06	94.3	<0.200	<0.500	<0.500	<1.00	<2.00
MW-2	03/30/01	<80.0	<0.500	<0.500	<0.500	<1.00	3.56 ³
	06/18/01	<80.0	<0.500	<0.500	<0.500	<1.00	<2.00 ³
	06/21/01	--	--	--	--	--	2.19 ³
	09/10/01	<80.0	<0.500	<0.500	<0.500	<1.00	2.19 ³
	12/03/01	<80.0	<1.00	<1.00	<1.00	<2.00	<2.00
	03/27/02	<80.0	<1.00	<1.00	<1.00	<2.00	<2.00
	06/10/04	<80.0	<0.200	<0.500	<0.500	<1.00	--
	09/15/04	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	-- ⁹	<0.200	<0.500	<0.500	<1.00	<2.00
	11/01/05	<80.0	--	--	--	--	--
	01/05/06	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
MW-3	03/30/01	3,160	13.9	10.2	<0.500	15.6	18.5 ³
	06/18/01	2,400	9.02	6.14	<0.500	9.35	3.69 ³
	06/21/01	--	--	--	--	--	5.51 ³
	09/10/01	2,710	10.0 ⁶	8.73 ⁶	6.09 ⁶	7.13 ⁶	5.51 ³
	12/03/01	965	<1.00	<1.00	<1.00	<2.00	<2.00
	03/27/02	829	1.62	2.78	<1.00	1.01	<2.00
	06/10/04	<80.0	<0.200	<0.500	<0.500	<1.00	--
	09/15/04	1,220	<0.200	<0.500	<0.500	<1.00	<2.00
MW-3a ⁸	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	-- ⁹	<0.200	<0.500	<0.500	<1.00	<2.00
	11/01/05	223	--	--	--	--	--
MW-4	01/05/06	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	06/10/04	234	<0.200	<0.500	<0.500	<1.00	--
	09/15/04	140	<0.200	<0.500	<0.500	<1.00	<2.00
	04/25/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	07/19/05	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
	10/13/05	-- ⁹	<0.200	<0.500	<0.500	<1.00	<2.00
MW-4	11/01/05	<80.0	--	--	--	--	--
	01/05/06	<80.0	<0.200	<0.500	<0.500	<1.00	<2.00
MTCA Method A Cleanup Levels		800	5	700	1,000	1,000	160

6.4 Approximate Extent of Contaminated Soil Excavation and Confirmation Soil Sample Results

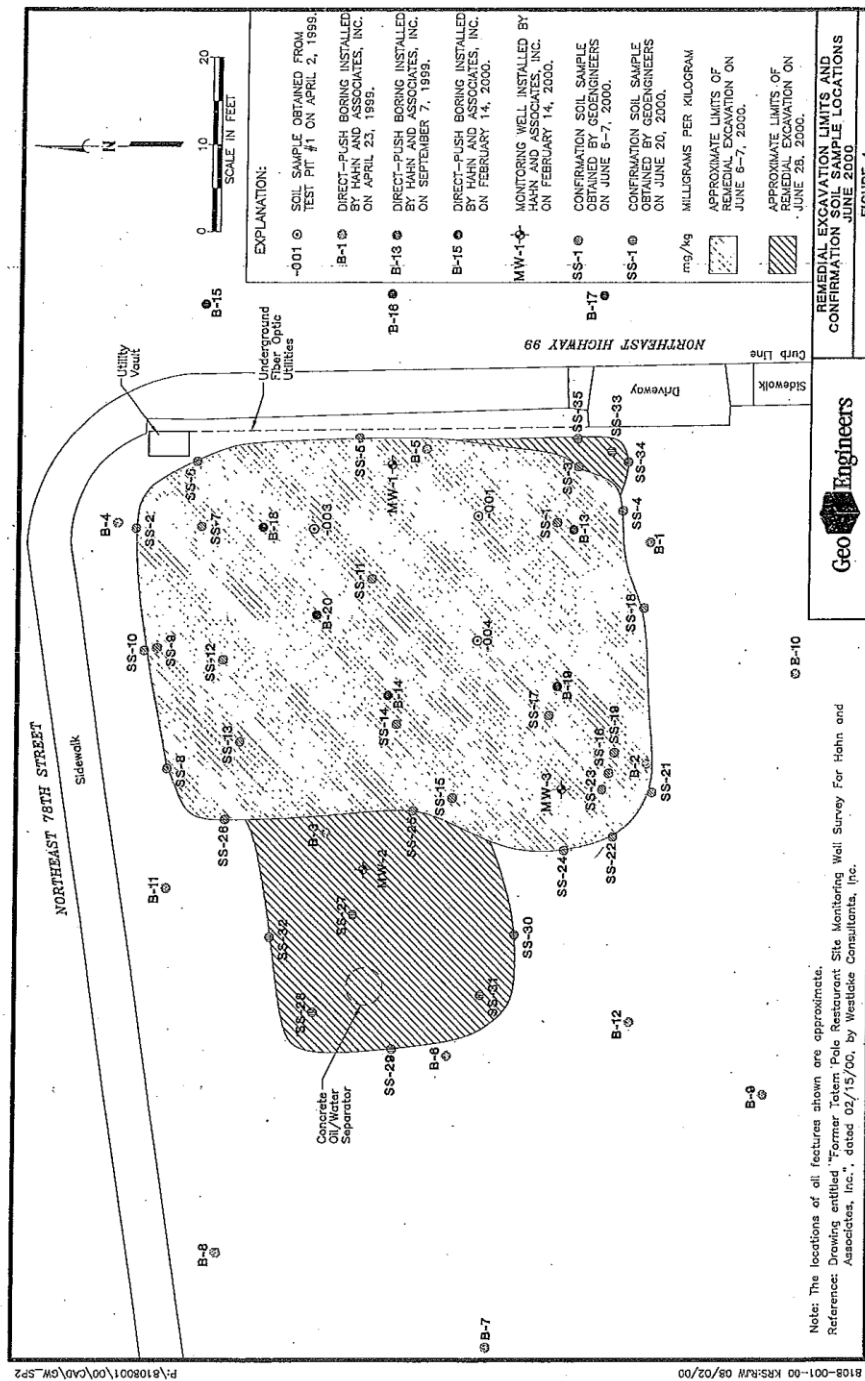


TABLE 3
SUMMARY OF SOIL SAMPLE FIELD SCREENING RESULTS AND
CHEMICAL ANALYTICAL DATA¹
JUNE 2000

FORMER SERVICE STATION FACILITY - HAZEL DELL
VANCOUVER, WASHINGTON

Soil Sample Number	Date Sampled	Depth of Sample (feet bgs)	Field Screening Results ²			Gasoline-Range Hydrocarbons (Northwest Method NWTPH-Gx) (mg/kg)	BETX ³ Compounds (EPA Method 8021B) (mg/kg)			
			Headspace Vapor (ppm)		Sheen		B	E	T	X
SS-1	06/06/00	13.0	<100	6.5	NS	2.46	<0.0500	<0.0500	<0.0500	<0.0500
SS-2	06/06/00	8.0	<100	45.7	NS	8.42	<0.0500	<0.0500	<0.0500	<0.0500
SS-3 ⁴	06/06/00	7.0	8,000	2,270	MS	7,430	<5.00	<5.00	<5.00	<5.00
SS-4	06/06/00	7.0	<100	6.7	NS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500
SS-5	06/06/00	10.0	3,500	>2,500	SS	1,080	<0.500	5.19	1.19	10.2
SS-6	06/06/00	7.0	4,000	1,800	MS	2,960	<2.50	16.6	4.64	24.4
SS-7	06/06/00	13.0	<100	32.0	NS	3.26	<0.0500	<0.0500	<0.0500	<0.0500
SS-8	06/06/00	7.0	1,700	1,450	SS	1,330	<1.00	6.65	1.54	12.6
SS-9	06/06/00	11.0	2,000	2,350	MS	1,700	1.34	7.24	3.04	10.2
SS-10	06/06/00	8.0	2,000	2,240	MS	1,270	<1.00	4.92	1.53	6.78
SS-11	06/06/00	13.0	<100	35	NS	--	--	--	--	--
SS-12	06/06/00	14.0	<100	26.5	NS	--	--	--	--	--
SS-13	06/06/00	14.0	<100	35.0	NS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500
SS-14	06/06/00	14.0	<100	35.0	NS	--	--	--	--	--
SS-15 ⁴	06/06/00	11.0	2,000	2,413	HS	--	--	--	--	--
SS-16 ⁴	06/06/00	7.0	5,000	>2,500	HS	3,400	4.03	25.2	7.91	106
SS-17	06/06/00	14.0	<100	94	NS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500
SS-18	06/06/00	11.0	<100	67	NS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500
SS-19 ⁴	06/06/00	7.0	6,000	>2,500	MS	265	0.254	2.07	0.584	9.37
SS-20	06/07/00	7.0	<100	89	SS	--	--	--	--	--
SS-21	06/07/00	11.0	<100	34.5	SS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500
SS-22	06/07/00	11.0	110	145	SS	--	--	--	--	--
SS-23	06/07/00	13.0	<100	11.5	NS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500
SS-24	06/07/00	11.0	2,000	1,000	SS	481	2.04	0.856	0.879	1.11
SS-25 ⁴	06/07/00	11.0	>10,000	1,700	HS	6,090	17.0	63.4	13.7	281
SS-26	06/07/00	12.0	6,500	1,780	SS	616	1.25	1.57	0.845	3.40
SS-27 ⁴	06/28/00	11.0	3,800	--	MS	--	--	--	--	--
SS-28	06/28/00	12.0	400	--	SS	--	--	--	--	--
SS-29	06/28/00	11.0	1,000	--	SS	297	<0.200	2.53	0.659	9.38
SS-30	06/28/00	11.0	1,200	--	SS	1,460	<1.00	7.55	<1.00	21.3
SS-31	06/28/00	12.0	800	--	SS	--	--	--	--	--
SS-32	06/28/00	10.0	1,000	--	SS	82	<0.0500	<0.0500	<0.0500	<0.0500
SS-33	06/28/00	12.0	400	--	NS	2.45	<0.0500	<0.0500	<0.0500	<0.0500
SS-34	06/28/00	11.0	200	--	NS	--	--	--	--	--
SS-35	06/28/00	10.0	200	--	SS	<2.00	<0.0500	<0.0500	<0.0500	<0.0500

Notes:

¹ Chemical analyses were performed by North Creek Analytical in Beaverton, Oregon.

² See Appendix B for a description of field screening methods.

NS = no sheen, SS = slight sheen, MS = moderate sheen, HS = heavy sheen

B = benzene, E = ethylbenzene, T = toluene, X = xylenes.

⁴ Sample location was subsequently excavated.

bgs = below ground surface, ppm = parts per million, mg/kg = milligrams per kilogram, -- = not analyzed

No. 810800100T3.xls

6.5 Environmental Covenant



Recording requested
By and after recording
Return to:
Pat Vernon
Fred Meyer, Inc.
P.O. Box 42121
Portland, Oregon 97242

M-9036

(Space above this line for Recorder's use)

DECLARATION OF RESTRICTIVE COVENANT
(Hazel Dell, Washington)

Grantor:
1. ROUNDUP CO., a Washington corporation

Grantee:
1. ROUNDUP CO., a Washington corporation

Legal Description:
1. Short Legal Description: SECTION 10, T2N, R1E, WM,
CLARK COUNTY, WASHINGTON
2. Complete legal description is on Exhibit A of the document

Assessor's Property Tax Account Number(s): 147997-000 AND 148041-000

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DECLARATION OF RESTRICTIVE COVENANT
(Hazel Dell, Washington)

This Declaration of Restrictive Covenant ("Declaration") dated as of October 10, 2000, is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Roundup Co., a Washington corporation doing business in the state of Washington as Fred Meyer, ("Fred Meyer") its successors and assigns.

RECITALS

1. Fred Meyer is the fee owner of property located in the city of Vancouver, Clark County, Washington that is more specifically described on the attached Exhibit A ("Property")
2. An independent remedial action ("Remedial Action") occurred at the Property that is the subject of this Declaration. The Remedial Action conducted at the Property is described in the following documents:
 - a. "Site Investigation and Method B Evaluation" (June 17, 1999), by Hahn and Associates, Inc.
 - b. "Data Gap Investigation Report (October 12, 1999), by Hahn and Associates, Inc.
 - c. "Data Package for February 2000 Site Characterization Activities" (February 24, 2000), by Hahn and Associates, Inc.
 - d. "Voluntary Cleanup Program Remedial Action Summary Report" (August 11, 2000), by GeoEngineers, Inc.
 - e. "Responses to August 30, 2000 Opinion Letter from Ecology" (September 7, 2000), by GeoEngineers, Inc. ("Ecology" as referenced therein is the State of Washington Department of Ecology).

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3. The above named reports are on file at Ecology's Southwest Regional Office.
4. This Declaration is required because the Remedial Action resulted in residual concentrations remaining at the site that exceed the Model Toxics Control Act Method A Cleanup Levels. Cleanup levels were exceeded for Total Petroleum Hydrocarbon for Gasoline (TPH-G) benzene, toluene, ethylbenzene, and total xylenes in groundwater (established under WAC 173-340-720) and TPH-G, benzene and total xylenes in soil (established under WAC 173-340-740).

DECLARATION OF COVENANTS

Fred Meyer hereby makes the following declarations as to limitations, restrictions, and uses on or under the Property. This Declaration specifies that such declarations shall constitute covenants to run with the land, as provided by law. These covenants shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion or interest in the Property (hereinafter referred to as an "Owner").

1. The Property contains petroleum-contaminated soil and groundwater. No soil or groundwater may be taken for any use whatsoever from the Property, except as need for sample collection and analysis or as provided in Section 2 below.
2. Any activity on the Property that may result in the release or exposure to the environment of petroleum-contaminated soil or groundwater, or that may create a new pathway for exposure to petroleum-contaminated soil or groundwater, is prohibited without written approval from Ecology. Ecology may provide its written approval only after public notice and comment. Construction activities (including excavation and removal of soil) outside areas of petroleum-contaminated soil and above the seasonal high groundwater level, do not require written approval from Ecology.

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3. Owner must restrict leases to uses and activities consistent with this Declaration and notify all lessees of the Declaration and resultant restrictions on the use of the Property.
4. Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, for the following purposes: to take samples, to inspect Remedial Actions conducted at the Property, and to inspect records that are related to the Remedial Action.
5. Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Declaration shall no longer limit use of the Property or be of any further force or effect. Such instrument may be recorded only if and when Ecology, after public notice and opportunity for comment, concurs in the release of the Property from this Declaration.

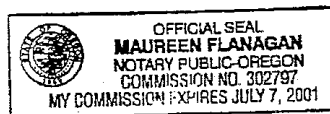
IN WITNESS WHEREOF, this Declaration was signed to be effective on the date first above written.

ROUNDUP CO., a Washington corporation

A handwritten signature in black ink, appearing to read "Robert T. Currey-Wilson", written over a horizontal line.

Robert T. Currey-Wilson, Vice President

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Legal Description
(Hazel Dell, Washington)

PARCEL I

The Easterly 180 feet of the following described real property:

That portion of the Northeast quarter in section 10, Township 2 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the intersection of the West line of Highway 99 with the South line of NE 78th Street; thence South 8° 32' West along the West line of said Highway 101.12 feet; to the Northeast corner of the first tract of land described in the deed to Vanoak Corporation, an Oregon corporation, by deed recorded November 8, 1962, under Auditor's File No. G 344575, thence West along the North line of the Vanoak Corporation Tract to the West line of the tract of land conveyed to Delima B. Curtis, et ux, by deed recorded August 26, 1927, under Auditor's File No. C 50358 in Book 184, page 115, records of said County; thence Northerly along said West line to the south line of NE 78th Street; thence Easterly along said South line to the Point of Beginning.

EXCEPT that portion conveyed to Clark County, Washington, under Auditor's File No. 8506280145.

ALSO EXCEPT that portion conveyed to Clark County, Washington, under Auditor's File No. 8707100002,

TOGETHER WITH an easement for a nonexclusive right-of-way and access over and across a 40 foot strip of land lying immediately West of and adjacent to the above described property

PARCEL II

BEGINNING at the intersection of the West line of the Pacific Highway, now known as NE Highway 99, with the South line of the county road running along the North line of Lot 1 of Section 10, Township 2 North, Range 1 East of the Willamette Meridian, and running thence South 8° 32' West, along the West line of said highway, 101.12 feet to the True Place of Beginning of the tract herein described; and running thence South 8° 32' West, along the West line of said highway, to the Northeast corner of that certain tract conveyed to John Struchen et ux by deed recorded in Book 201, at page 452, Clark County Deed Records, thence West along the North line of said Struchen tract, 261 feet, more or less, to the Northwest corner thereof; thence Northwesterly along the West line of that certain tract conveyed to Delima B.

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Curtis et vir by deed recorded in Bood 184, at page 115, Clark County Deed Records, to its intersection with a line, parallel to the North line of said Lot 1 passing through the Place of Beginning; and thence East to the Place of Beginning

EXCEPT that portion described as follows:

BEGINNING at a point that is South 89° 05' West 71.35 feet and South 5° 59' 15" West 284.33 feet from the Northeast corner of said Section 10, said point of beginning also being on the Westerly line of NE Highway 99, and thence continuing South 5° 59' 15" West 823.54 feet to the Northeast corner of the Alexander Tracts, a duly recorded plat; thence South 88° 17' West along the North line of said subdivision 311.81 feet to the East line of Primary State Highway No. 1; thence North 3° 48' East along said Highway, 1047.94 feet; thence North 88° 27' 15" East 11.10 feet; thence South 12° 42' 15" East 76.72 feet, thence North 89° 05' East 134.36 feet, thence South 5° 59' 15" West 126.76 feet and thence South 84° 00' 45" East 180.0 feet to the Point of Beginning.

TOGETHER WITH an easement for a nonexclusive right-of-way and access over and across a 40 foot strip of land lying immediately West of and adjacent to the above described property.

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6.6 Photo Log



Photo 1: Southwest corner of current building, former auto service station location
—from the southwest.



Photo 2: Southeast corner of current building and Highway 99 - from the southeast.



Photo 3: West side of current shops, former auto service station - from the northwest.



Photo 4: Abandoned well location west of the building – from the northwest.

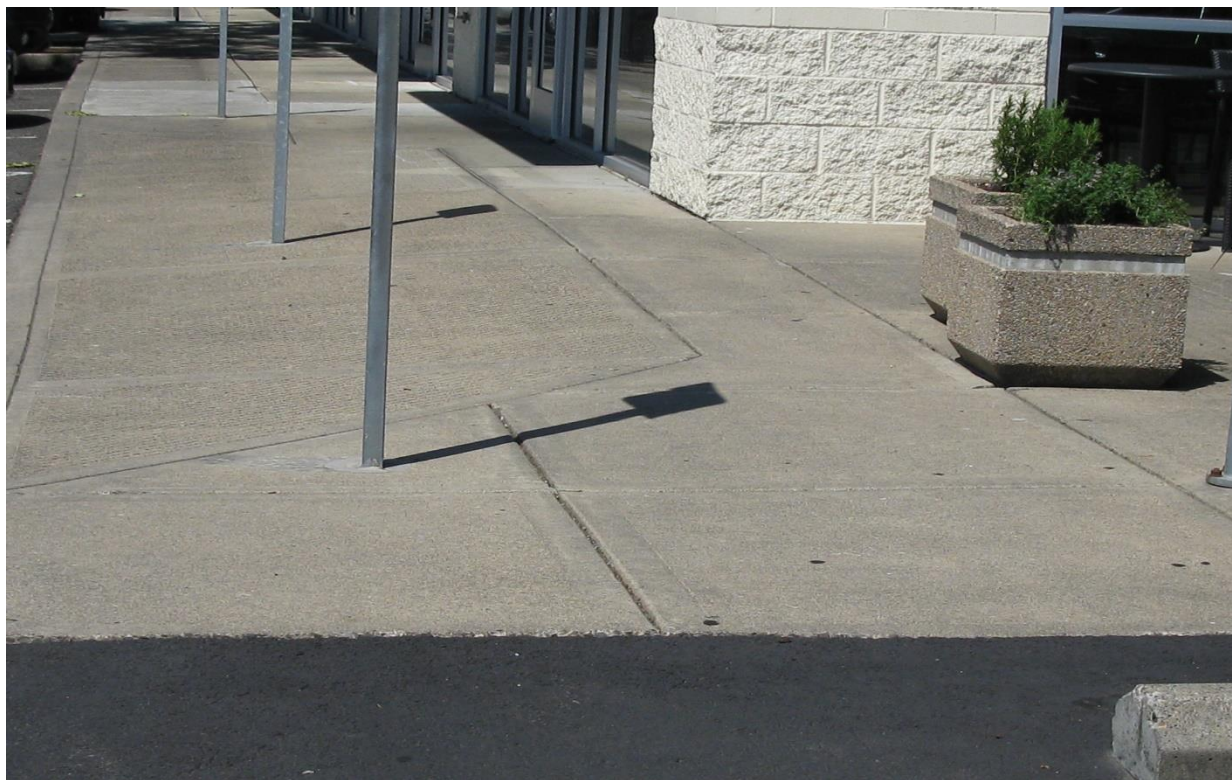


Photo 5: Area of contaminated soil left on the Site and asphalt cap – from the southwest.

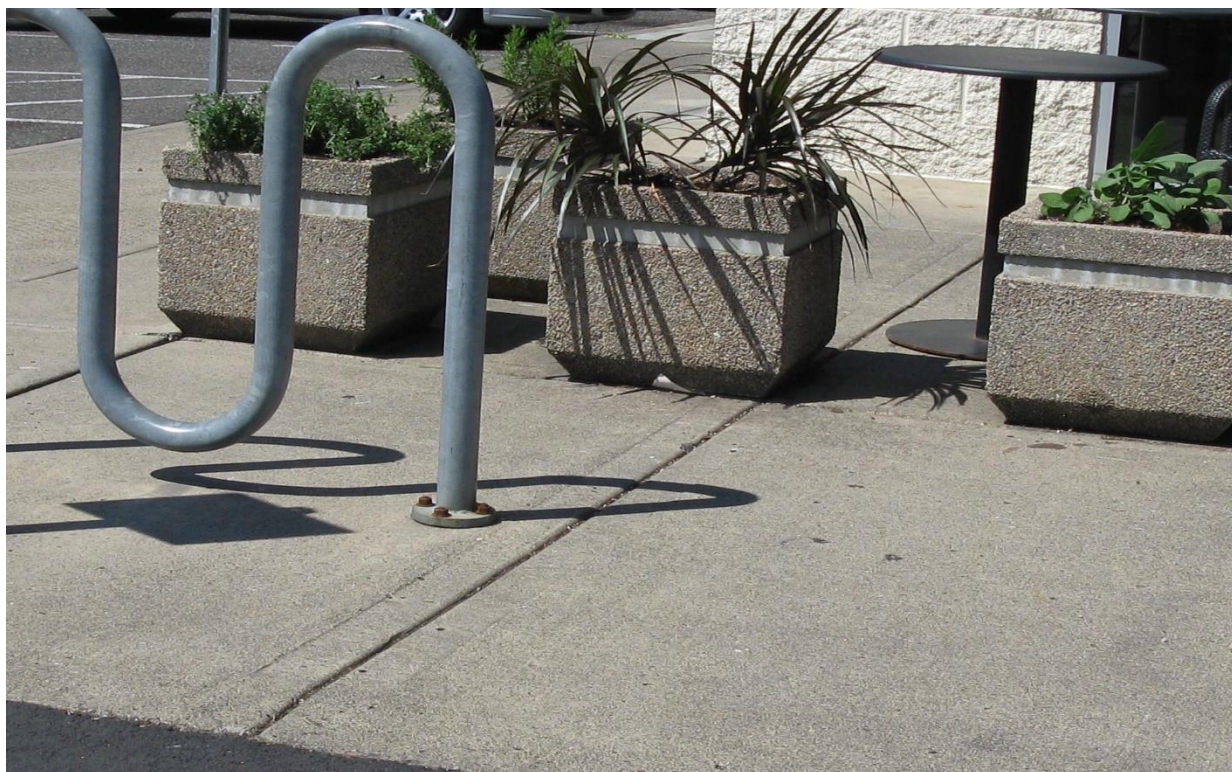


Photo 6: Area of contaminated soil left on the Site and concrete cap – from the south.