



## **Third Periodic Review Columbia East Commercial Park**

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**2250 North Commercial Avenue, Pasco, Franklin County  
Facility Site ID: 39932727, Cleanup Site ID: 3142**

**Toxics Cleanup Program, Eastern Region**

Washington State Department of Ecology  
Spokane, Washington

November 2023

## Document Information

This document is available on the Department of Ecology's [Columbia East Commercial Park cleanup site page](#).<sup>1</sup>

### Related Information

- Facility Site ID: 39932727
- Cleanup Site ID: 3142

## Contact Information

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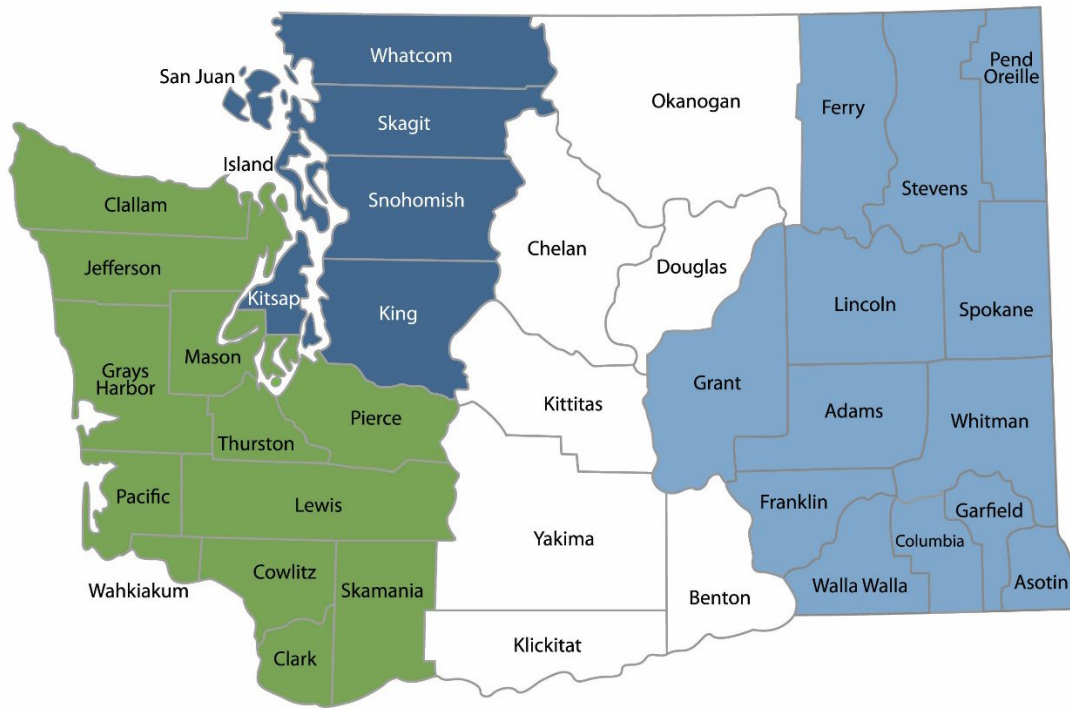
<sup>1</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/3142>

<sup>2</sup> <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup>

<sup>3</sup> <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        |
|---------------------|--|--|--------------|
| <b>Southwest</b>    | Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum           | PO Box 47775<br>Olympia, WA 98504      | 360-407-6300 |
| <b>Northwest</b>    | Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom   | PO Box 330316<br>Shoreline, WA 98133   | 206-594-0000 |
| <b>Central</b>      | Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima   | 1250 W Alder St<br>Union Gap, WA 98903 | 509-575-2490 |
| <b>Eastern</b>      | Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman | 4601 N Monroe<br>Spokane, WA 99205     | 509-329-3400 |
| <b>Headquarters</b> | Across Washington  | PO Box 46700<br>Olympia, WA 98504      | 360-407-6000 |

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# Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health and the environment are being protected at the Columbia East Commercial Park cleanup site (Site). Site cleanup 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. The first periodic review was completed in February 2010, and the second was completed in November 2015.

Cleanup activities at this Site were completed under Voluntary Cleanup Program (VCP) project ID EA0037. Residual concentrations of arsenic, cadmium, lead, and polycyclic aromatic hydrocarbons (PAHs) that exceeded MTCA cleanup levels remain on the property. The MTCA cleanup levels for soil and groundwater are established under [WAC 173-340-740](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740)<sup>4</sup> and [WAC 173-340-720](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720),<sup>5</sup> respectively.

Ecology determined institutional controls in the form of an environmental covenant would be required as part of the cleanup action for the Site. [WAC 173-340-420\(2\)](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420(2))<sup>6</sup> requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because Ecology issued a no further action (NFA) opinion for the Site and implemented institutional controls as part of the cleanup action.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (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 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 and resource uses
- e) The availability and practicability of more permanent remedies
- f) The availability of improved analytical techniques to evaluate compliance with cleanup levels

Ecology publishes a notice of all periodic reviews in the *Site Register* and provides an opportunity for public comment.

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<sup>4</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740>

<sup>5</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720>

<sup>6</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-420>

# Summary of Site Conditions

## Site description and history

The 2.1-acre Site is on Franklin County Tax Parcel Number 113520327 (Lot 1, Binding Site Plan 99-03). G.A. Marrs Properties LLC purchased the Site in 2021 and developed it into an 11,000-square-foot retail showroom for Blueline Equipment Inc., an agriculture and construction equipment dealership. Prior to development, the Site was owned by Desert Plateau Transport Inc. from 2018–2021 and the City of Pasco from 1999–2018.

A Phase I Environmental Site Assessment (ESA) conducted in 1999 discovered a portion of the property may have been associated with an abandoned municipal solid waste landfill. The landfill reportedly operated during the 1940s and early 1950s and used surface incineration to dispose of solid waste. There are no known records, but it appears typical municipal solid waste was disposed in the landfill. Review of historical aerial photographs indicates the landfill was west of the Site.

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

## Site investigations

During the ESA, solid waste debris was identified on the property surface. As a result, near-surface areas were excavated to determine the extent of solid waste. Subsurface observations identified fragments of glass, pottery, and small pieces of melted glass to a depth of approximately 5 feet. Three soil samples were collected and analyzed for volatile and semi-volatile organic compounds and metals. Results indicated concentrations of arsenic, cadmium, lead, and the PAH chrysene were in soil exceeding MTCA Method A or Method B cleanup levels. However, all sample results for arsenic, cadmium, and chrysene were below Method C soil cleanup levels for industrial land use, which were deemed appropriate for the Site. Two soil samples exceeded the Method C cleanup level for lead of 1,000 milligrams per kilogram (mg/kg) at 1,350 and 1,950 mg/kg. One of these soil samples was also analyzed for leachable lead using the toxicity characteristic leaching procedure (TCLP); results indicated that the lead is non-leachable.

A sampling grid was installed over portions of the property where the ESA results indicated potential contamination. Thirty-eight additional soil samples were collected and analyzed for lead. Samples were collected between 1.5 – 5 feet below ground surface, depending on the location of the waste material. Sample results indicated concentrations of lead exceeded the Method A cleanup level of 250 mg/kg in only four of the soil samples. Concentrations ranged from 280 – 540 mg/kg; however, these concentrations are below the Method C cleanup level.

Based on these results, Ecology's Statistical Guidance was applied to the data. Of the 41 soil samples collected, two samples exceeded the Method C cleanup level of 1,000 mg/kg for lead,

which was less than 5 percent of total samples. The highest concentration of lead was 1,950 mg/kg, which was less than two times the Method C cleanup level for lead in soil. The 95<sup>th</sup> percentile was calculated using MTCAStat; results indicated the 95<sup>th</sup> percentile value for the Site is 911 mg/kg, which is less than the Method C cleanup level. These three metrics demonstrated that soils at the Site meet the cleanup standards discussed below.

## Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site.

[WAC 173-340-704](#)<sup>7</sup> states 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. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

Ecology issued an NFA determination using MTCA Method C industrial soil cleanup levels to determine whether the Site was protective of human health and the environment. Using MTCA Method C cleanup levels requires the following conditions:

- The area of the Site where industrial property soil cleanup levels are proposed must meet the definition of an industrial property under WAC 173-340-200;
  - WAC 173-340-200 states that industrial properties must either be:
    - Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW (Growth Management Act); or
    - For counties not planning under chapter 36.70A RCW (Growth Management Act) and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.
- The cleanup action provides for appropriate institutional controls implemented in accordance with WAC 173-340-440 to limit potential exposure to residual hazardous substances. This shall include, at a minimum, placement of a covenant on the property restricting use of the area of the Site where industrial soil cleanup levels are proposed to industrial property uses;
- And, hazardous substances remaining at the property after remedial action would not pose a threat to human health or the environment at the Site or in adjacent nonindustrial areas.

The use of MTCA Method C cleanup levels appears appropriate for this Site. The City of Pasco Land Use Plan and the City Zoning Map indicate the Site meets the definition of an industrial

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<sup>7</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

property. The Site is zoned for industrial use only, and surrounding property use includes commercial and industrial properties, as well as a highway and the associated inaccessible medians. Institutional controls requiring industrial use at the Site were implemented as discussed in the following section. Hazardous materials remaining at the Site do not pose a threat to human health or the environment at the Site, or at adjacent properties.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soils, the standard point of compliance is established as soils throughout the Site.

## Restrictive Covenant

Ecology determined that institutional controls would be required as part of the cleanup action to restrict the land use to industrial purposes, document the remaining contamination, protect the cleanup action, and protect human health and the environment. On February 28, 2001, institutional controls in the form of a [restrictive covenant](#)<sup>8</sup> (Covenant) were recorded for the Site in Franklin County under recording number 1587263.

The Covenant recorded for the Site imposes the following limitations:

1. The Property shall be used for industrial uses, as described in RCW 70.105D.020 (23) or for those uses defined in and allowed under the city's zoning regulations codified in the Pasco Municipal Code, PMC 25.46.020 (5) [wholesale business]; PMC 25.46.020 (6) [heavy machinery sales and service]; PMC 25.46.020 (7) [warehouse]; PMC 25.46.020 (10) [mobile home sales and service]; and PMC 25.46.020 (11) [lumber sales business] as of the date of this Covenant.
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) days 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 prevent the continued monitoring, operation, and maintenance of the Remedial Action.
5. The Owner must restrict leases to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.

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<sup>8</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/82956>



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.
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.

## Periodic Review

### Effectiveness of completed cleanup actions

During the Site visit Ecology conducted on June 16, 2023, the current conditions were observed to be protective of the remedial action; however, the Site had been redeveloped in violation of the Covenant. The development included a retail agricultural and construction equipment showroom, consistent with the allowed non-industrial land uses detailed in section 1 of the Covenant. Ecology was notified on March 2, 2021, of the proposed sale and redevelopment of the Site and received a copy of the signed sale agreement on April 22, 2021. However, Ecology was not notified of the redevelopment that occurred in 2022 and did not approve the excavation, grading, and reuse of contaminated soils. A photo log is in Appendix C.

### Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil at the Site. Prior to redevelopment, exposure pathways to contaminated soils by ingestion and direct contact were reduced due to the industrial or commercial land use. Following redevelopment in 2022, exposure pathways to contaminated soils by ingestion and direct contact were further reduced by engineered controls including a surface cap consisting of asphalt, concrete, gravel, and landscaping. The cap appears to be in satisfactory condition, and no repair, maintenance, or contingency actions are required at this time.

### Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 2001. The Covenant remains active and discoverable through the Franklin County Auditor's Office. Ecology found 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 action and prohibits any use of the property that

is inconsistent with the Covenant, unless approved by Ecology in advance. This Covenant is intended to ensure the long-term integrity of the cleanup action will be protected.

Redevelopment of the Site in 2022 included the excavation, grading, and reuse of soils that may have exceeded the cleanup standards established for the Site. An environmental checklist was submitted in accordance with the State Environmental Policy Act (SEPA), but omitted the property's status as a listed contaminated site. Ecology was not notified in advance of redevelopment activities in accordance with the Covenant. There are also no records of the volume of soils that were managed onsite, whether they contained contaminants exceeding MTCA cleanup levels, or whether any soils were removed from the Site.

Ecology informed the property owner that redeveloping the Site without the proper safety protocols and notification violated the Covenant. Ecology also informed the principal contractor that workers may have been exposed to contaminated soils. Following the redevelopment, the Site is protective of human health and the environment, and Site use remains consistent with the allowed non-industrial use specified in the Covenant.

## **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 and resource uses**

The Site is currently used for commercial purposes. This has changed since the previous periodic review when the Site was vacant. The current Site use is allowed under the Pasco Municipal Code and the Covenant, and is not likely to have a negative impact on the protectiveness of the cleanup action.

## **Availability and practicability of more permanent remedies**

The remedy implemented included containing hazardous substances, and it continues to be protective of human health and the environment. While more permanent remedies 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 cleanup action were capable of detection below the selected MTCA 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.
- Though the Site has been redeveloped without the proper notification and reporting to Ecology, we have determined that the completed development is protective of the cleanup actions.
- Soil cleanup levels for industrial land use have been met at the Site, and the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The Covenant for the property is in place to protect human health and the environment from exposure to hazardous substances and the integrity of the cleanup action.
- Prior to any future development or subsurface work, workers need to be sufficiently notified regarding potential hazards and sufficiently protected. Any earthwork completed including, but not limited to soil movement shall be done so under a Contaminated Media Management Plan that will be reviewed and approved by Ecology.

Based on this periodic review, Ecology has determined the existing Covenant and NFA determination will remain for the Site. The property owner is aware of the violation, and no additional cleanup actions are required by the property owner at this time. The property owner is responsible for continuing to inspect the Site to ensure the integrity of the surface cap is maintained.

## Next review

Ecology will schedule the next review for the Site 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 after those activities are completed.

## References

Ecology. Site Visit. June 16, 2023.

Ecology. *Periodic Review*. November 2015.

Ecology. *Periodic Review*. February 2010.

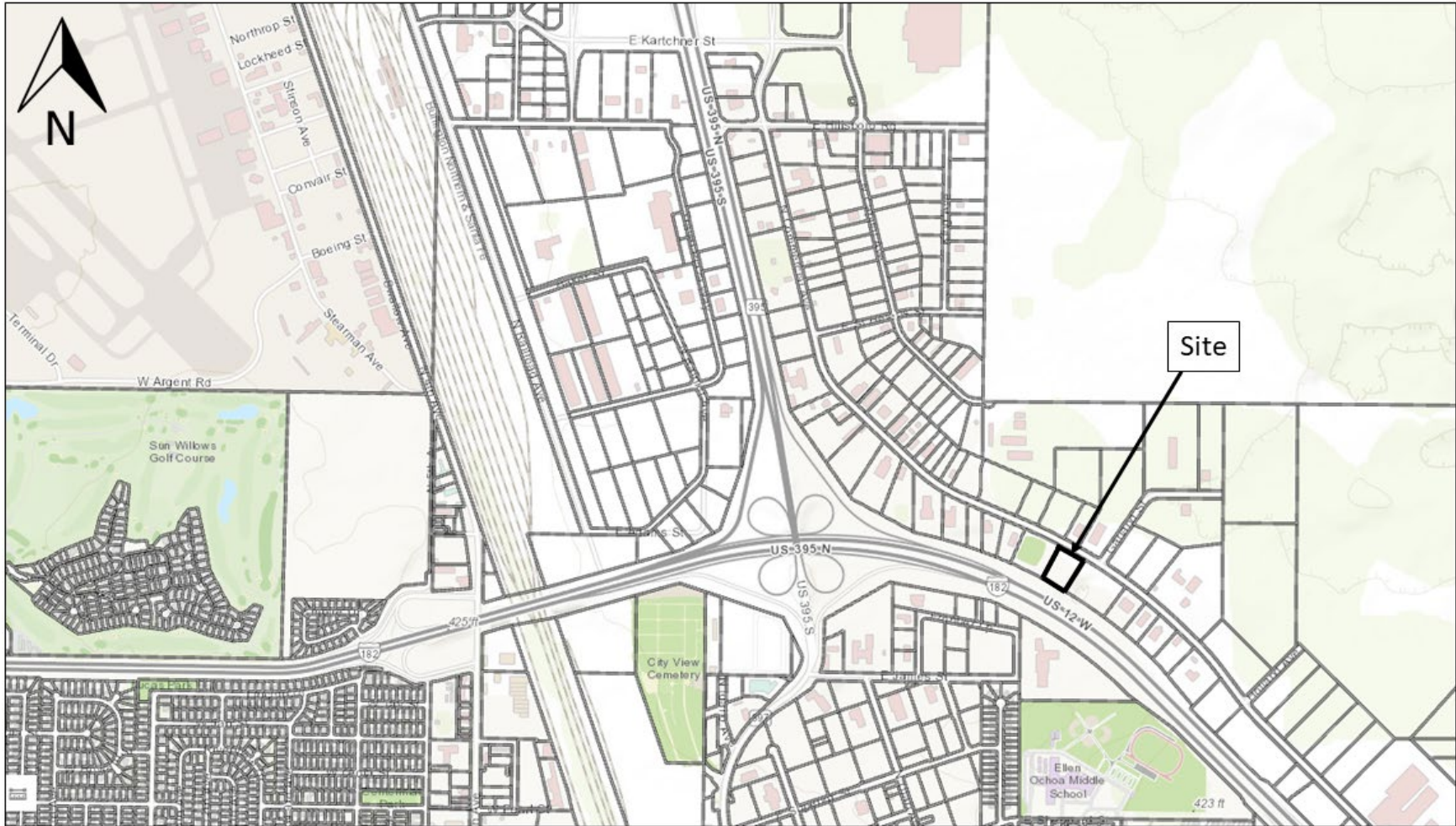
Ecology. "No Further Action Determination." March 7, 2021.

Ecology. Restrictive Covenant 1587263. February 28, 2001.

Ecology. "VCP Review for Columbia East Commercial Park." January 24, 2000.

SCM Consultants, Inc. "City of Pasco Property in the Columbia East Commercial Park." June 16, 1999.

## Appendix A. Vicinity Map





## Appendix B. Site Plan





## Appendix C. Photo Log

**Photo 1: Front of the Blueline Equipment Dealership, from the east**



**Photo 2: Dealership building parking, from the southeast**





**Photo 3: Dealership building and adjacent undeveloped lot, from the northeast**



**Photo 4: Dealership building rear bays, from the east**

