



PERIODIC REVIEW

**Short Stop Fuel
Facility Site ID No. 94125562
Cleanup Site ID No. 6902**

**1154 SW Basin Street
Ephrata, Washington 98823**

Eastern Regional Office

TOXICS CLEANUP PROGRAM

April 2013

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1.0 INTRODUCTION

This document is the Department of Ecology's review of post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the Short Stop Fuel (Jackpot Food Mart 032) site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) in soil that exceed MTCA Method A cleanup levels established under WAC 173-340-740 (2). As a result of residual contamination, institutional controls were required for the Site to be eligible for a no further action (NFA) determination. The MTCA rule requires that Ecology conduct a periodic review of a site every five years under the following conditions:

1. Whenever the department conducts a cleanup action.
2. Whenever the department approves a cleanup action under an order, agreed order or consent decree.
3. Or, as resources permit, whenever the department 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 the department 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 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 Short Stop Fuel Site is located at 1154 SW Basin Street in Ephrata, Washington. The property contains a convenience store, three underground storage tanks (USTs), and a pump island. The Site is bounded by Basin Street/Highway 28 and an auto repair shop to the west, 12th Avenue and a Sears retail store to the south, and a Safeway retail grocery store to the north and east. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

Soils encountered at the Site include silty fine sand from 0.5 to 12 feet below grade, underlain by fine sandy silt to a depth of approximately 25 feet. Below the sandy silt is a 4 to 6 foot thick sandy gravel layer with caliche cement located above sand with interbedded silt to depth of 33 to 43 feet. Groundwater was encountered at depth ranging from 33 to 35 feet below grade. Groundwater flow is to the south-southeast.

2.2 Remedial Investigations

In September 1990, three USTs were removed from the Site. The tanks consisted of two 10,000 gallon tanks (one leaded and one unleaded gasoline) and a 12,000 gallon premium leaded gasoline tank. Following removal of the USTs and associated piping, discolored soil was observed in the excavation. Nine soil samples were collected from the excavation from depths ranging from 13 to 18 feet below grade. Analytical results indicated two soil samples contained concentrations of TPH as gasoline and diesel up to a maximum concentration of 25,760 milligrams per kilogram (mg/kg). Groundwater was not encountered during excavation activities.

Approximately 260 cubic yards of contaminated soil was removed from the Site and transported to Central Washington Concrete in Ephrata for treatment.

A subsurface soil evaluation was initiated in September 1992 to evaluate potential petroleum hydrocarbon impacts to the Site. Soil borings were installed to depths ranging from 28 to 49.5 feet below grade. Eleven of the borings were converted to monitoring wells (MW-1 through MW-11). Thirty-seven soil samples from the soil borings were submitted for laboratory analyses. Gasoline and/or benzene, toluene, ethylbenzene and xylenes (BTEX) concentrations exceeded MTCA Method A cleanup levels in MW-2, MW-6 and MW-9 with gasoline concentrations of 7,600, 1,000 and 730 mg/kg, respectively.

Groundwater samples were collected from MW-3 through MW-11 in November. Gasoline and/or BTEX exceeded the cleanup levels in MW-3, MW-5, MW-6, MW-7, MW-8, MW-9, and MW-11, with concentrations up to 140,000 micrograms per liter (ug/L) for gasoline-range petroleum hydrocarbons (GRPH) and 9,000 ug/L for benzene. Concentrations of diesel and lead were all non-detect or below cleanup levels.

Four off-Site borings (MW-12 through MW-15) were installed to approximately 45 feet below grade in January 1993 to determine the extent of contamination. Eight soil samples were collected from the borings and were analyzed for GRPH and BTEX. All results were non-detect. Groundwater samples were also collected from all existing monitoring wells during this sampling event. GRPH and/or BTEX exceeded cleanup levels in MW-3, MW-5, MW-7, MW-8, MW-9, and MW-11 with GRPH concentrations up to 2,000,000 ug/L.

2.3 Remedial Actions

In September 1992 approximately 1.98 feet of liquid petroleum hydrocarbon (LPH) was observed in MW-2. A sample was collected and analyzed for hydrocarbon identification (HCID) and lead. Results identified the product as unleaded gasoline. A bailing program was initiated to remove as much of the free product as possible. The well was bailed every other week through November. In November, product thickness was 0.33 feet.

A pump test was conducted on MW-6 in February 1993 to evaluate the feasibility of installing a pump and treat system at the Site. During pumping, approximately 0.08 feet of free product was measured in MW-6. Free product also appeared in MW-5 during the test (0.7 feet). Free product was not measured in MW-6 after the pump test, but remained in MW-2 and MW-5. In May 1993, free product was also observed in MW-7. Free product and groundwater sampling continued as an interim action through March 1994.

A soil and groundwater remediation system was installed in March 1995 and began operating in April 1995. The system consisted of four vacuum-enhanced pumping wells (MW-5, MW-7, MW-9, and MW-11) and one soil vapor extraction (SVE) well (MW-2). Extracted water (and LPH) entered an oil/water separator and water was treated through an air stripper and discharged to the sanitary sewer. Extracted vapors were directed into a catalytic oxidizer for treatment before discharge to the air. Groundwater was extracted from MW-5, MW-7, MW-9, and MW-11.

Groundwater effluent samples were collected at weekly intervals for the first seven weeks of operation, at bi-weekly intervals for the next six weeks of operation, and at monthly intervals for the duration of remediation. During the first four months of operation, groundwater effluent samples were analyzed for GRPH, BTEX, and oil and grease. After the initial four month period, effluent samples were analyzed only for GRPH and BTEX.

2.4 Groundwater Monitoring

Quarterly groundwater monitoring was initiated in April 1995. All fourteen monitoring wells were sampled in April, July and October 1995 and January, April, July and October 1996. In January 1997 the monitoring program was revised to sample only 10 wells (MW -2 through MW- 7, MW-9, MW-11, MW-12 and MW-15). Quarterly groundwater sampling was conducted through September 2005. Petroleum hydrocarbons continued to be detected in MW-2, 6, 7, and 9 during various sampling events. Concentrations were below cleanup levels for the final five monitoring events (July and October 2004, and January, April, and August 2005). Groundwater data for monitoring wells MW-2 through MW-9 is available as Appendix 6.3.

2.5 Institutional Controls

Because contaminated soil remains at the Site in the vicinity of MW-2, MW-6, and MW-9, institutional controls in the form of an environmental covenant were required for the Site to be eligible for a NFA determination.

An environmental covenant was recorded for the Site in October 2007. The environmental covenant is intended to prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances remaining at the Site. The environmental covenant imposes the following restrictions:

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 without prior written approval from Ecology. Some examples of activities that are so prohibited in the capped areas 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 surface with a rod, spike or similar item, bulldozing or earthwork
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 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 Restrictive 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 Restrictive 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 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.

Following the implementation of institutional controls, an NFA determination was issued by Ecology in November 2007. A copy of the Environmental Covenant for the Site is available as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based on a Site visit conducted by Ecology on December 4, 2012, the Site continues to be occupied by the Short Stop Fuel Station retail fuel facility. The Site remains accessible to public foot traffic and vehicle traffic. The asphalt surface is in acceptable condition. Some cracking is evident that may allow infiltration of surface water through contaminated soils; however, an impermeable surface is not a requirement for the remedy at the Site. No repair, maintenance, or contingency actions have been required. A photo log is available as Appendix 6.5.

3.1.1 Soil

Results from soil samples collected in 1992 from MW-2, MW-6, and MW-9 indicated petroleum hydrocarbon concentrations exceeding cleanup levels at approximately 18 feet, 36 feet, and 33 feet below grade, respectively. Deeper soil samples collected from each of the borings were below cleanup levels. These soil samples indicate that TPH remains in soil at the Site at concentrations exceeding MTCA Method A cleanup levels for unrestricted land use. These soils do not pose a threat to human health and the environment if the surface cover is maintained and protected through the implementation of institutional controls in the form of an Environmental Covenant. A combination of asphalt, concrete and compacted gravel surfaces exist at the Site and serve as a cap to eliminate the human and ecological exposure pathways (ingestion, contact) to contaminated soils.

3.1.2 Groundwater

Groundwater samples collected from the Site contained gasoline-range petroleum hydrocarbon contamination. A combination of groundwater treatment technologies was implemented to reduce free product and dissolved-phase contamination. By 2005, none of the groundwater monitoring wells at the Site had contained petroleum hydrocarbon concentrations exceeding MTCA Method A cleanup levels for at least four consecutive quarters. Groundwater beneath the Site does not appear to contain contaminants at concentrations that pose a threat to human health or the environment.

3.1.3 Residual Saturation

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 non-aqueous phase liquid in groundwater. To determine if this criterion is met....residual saturation screening levels must be established and compared with the soil concentrations”.

A residual saturation screening level of 1,000 mg/kg has been established for weathered gasoline. Based on this screening level, soil concentrations at the Site may not be protective of ground water; however, WAC 173-340-747 (10)(c) allows for empirical demonstration to be

used to show soil concentrations measured at the Site will not result in the accumulation of non-aqueous phase liquid on or in groundwater.

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

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

For this Site, groundwater monitoring exists to demonstrate GRPH concentrations in soil are not resulting in the accumulation of non-aqueous phase liquids at the Site. Groundwater monitoring data is limited, but sufficient time had elapsed to allow for migration of contaminants from soil to groundwater. GRPH concentrations in soil do not appear to be contributing to additional groundwater contamination at the Site.

3.1.4 Soil to Vapor Pathway

WAC 173-340-740(C) provides that,

“The soil to vapor pathway shall be evaluated for volatile organic compounds whenever any of the following conditions exist.... (I) For gasoline range organics, whenever the total petroleum hydrocarbon (TPH) concentration is significantly higher than a concentration derived for protection of ground water for drinking water beneficial use under WAC 173-340-747(6) using the default assumptions;”.

Additionally, current WAC 173-340-747(2) (b) provides that,

“To ensure that the criterion in (a) of this subsection is met, the soil concentration shall not result in the accumulation of non-aqueous phase liquid on or in ground water. To determine if this criterion is met, one of the methodologies specified in subsection (10) of this section shall be used.”

Therefore, because soil concentrations of gasoline-range petroleum hydrocarbons exceed the previously discussed residual saturation screening level of 1,000 mg/kg for weathered gasoline, there is some potential for the accumulation of non-aqueous phase liquid and vapor intrusion at the Site. However, the evaluation of the soil to vapor pathway is not critical for the following reasons:

1. Contaminated soils of concern are in the vicinity of MW-2 (see Site Plan as Appendix 6.2). Borings advanced between MW-2 and the Site structure demonstrate a significant clean soil barrier capable of mitigating harmful vapors.
2. The Site structure is not residential and presents a reduced exposure scenario.
3. There are no below ground inhabitable spaces in the Site structure.

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4. The USTs were removed from the Site in 1990. Releases that occurred at the Site would have happened approximately 20 years ago. During that time, many of the VOCs present in the gasoline would have likely volatilized.

3.1.5 Institutional Controls

An environmental covenant was recorded for the Site in 2007 and remains in place. This environmental 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 ensure the long term integrity of the cleanup action.

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

There is no new pertinent scientific information for the contaminants related to the Site.

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

Cleanup levels have not changed for contaminants of concern at the Site since the no further action determination was issued in 2007.

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 materials, 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 well below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

- The cleanup actions completed at the Site remain protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action is determined to comply with cleanup standards at the time of the action, since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The Environmental Covenant 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 that the requirements of the Environmental Covenant are being met. No additional actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to ensure that the integrity of the surface cover is maintained.

4.1 Next Review

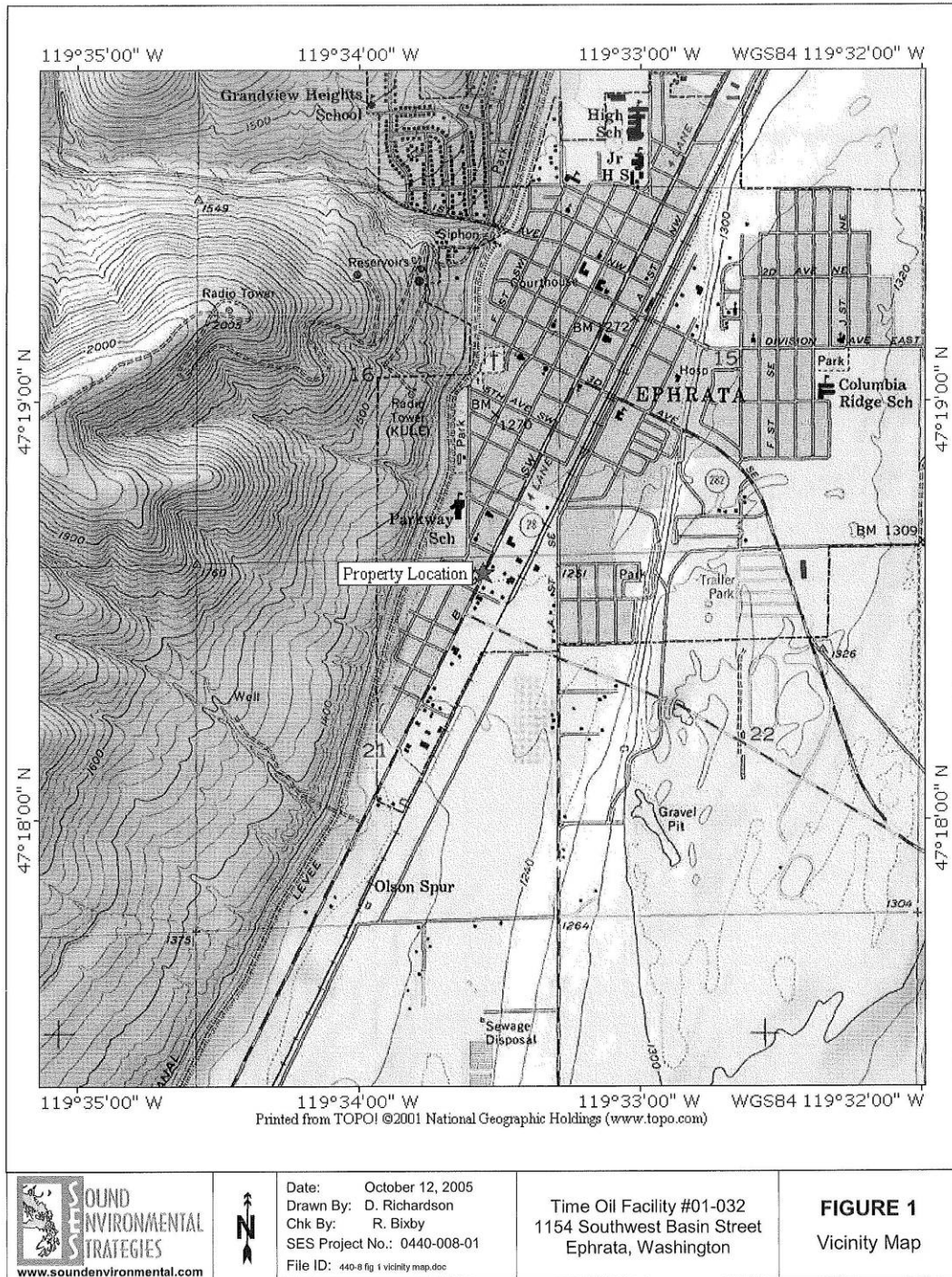
The next review for the Site will be scheduled five years from the date of this periodic review. In the event additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

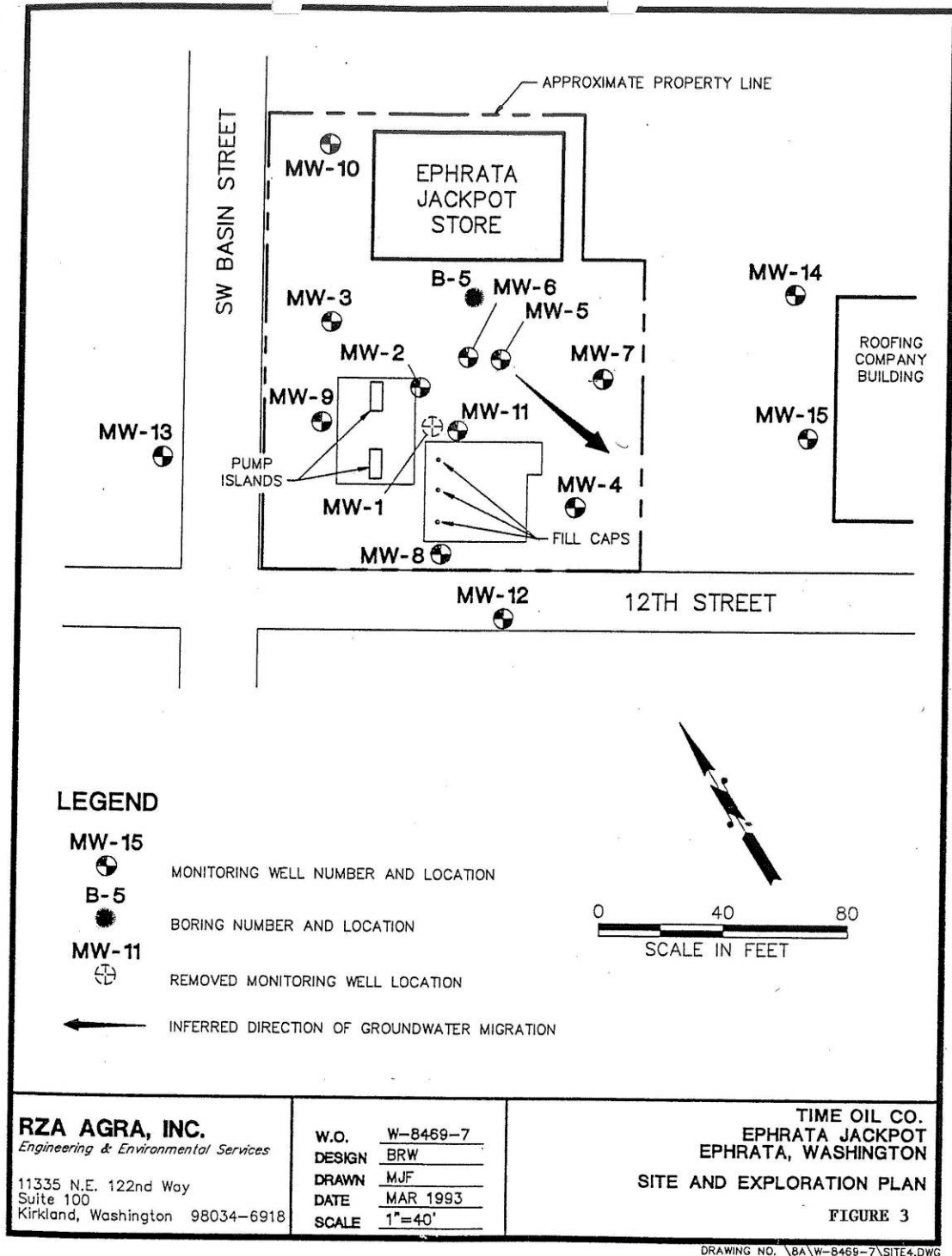
- RZA Agra, Inc. *Remedial Investigation/Feasibility Study*. October 1993.
- RZA Agra, Inc. *Interim Emergency Measures to Capture Product*. March 25, 1994.
- Agra Earth and Environmental. *Remedial System Progress Report*. September 1996.
- GeoEngineers. *Ground Water Monitoring Report*. December 15, 1997
- Ecology. *Jackpot Food Mart 032, Ephrata, WA VCP Review*. April 27, 2007.
- Time Oil Co. *Restrictive Covenant*. October 12, 2007.
- Ecology. *No Further Action Determination*. November 2, 2007.
- Ecology. *Site Visit*. December 4, 2012.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 Groundwater Monitoring Data



TABLE 10.
Historical Groundwater Analytical Data¹
Time Oil Company, Facility No. 01-032
1154 Southwest Basin Street, Ephrata, Washington

Well ID	Sample Date ²	GRPH	Benzene ³	Toluene ³	Ethyl- benzene ³	Total Xylenes ³	MTBE	EDB	EDC
MW-2	10/08/92	SPH (gas)	NA	NA	NA	NA	--	--	--
	10/18/95	82	<0.5	1.7	1.2	11	--	--	--
	01/23/96	SPH (gas)	NA	NA	NA	NA	--	--	--
	04/23/96	12,000	<0.5	18	<0.5	360	--	--	--
	07/23/96	40,000	20.2	21.7	120	2,300	--	--	--
	10/22/96	39,400	<5.0	<5.0	25.5	501	--	--	--
	01/07/97	8,510	<2.5	<2.5	8.31	223	--	--	--
	04/16/97	26,300	<5.0	<5.0	86.6	915	--	--	--
	07/30/97	5,210	4.9	1.67	1.28	19.5	--	--	--
	10/20/97	2,580	4.52	1.3	1.05	14.5	--	--	--
	01/15/98	3,870	5.51	2.00	1.68	40.6	--	--	--
	04/09/98	4,750	1.50	<0.500	5.51	103	--	--	--
	07/20/98	9,340	<12.5	<12.5	<12.5	88.2	--	--	--
	01/27/99	3,970	3.00	<2.50	<2.50	51.7	--	--	--
	04/21/99	4,020	<1.00	<3.60	3.28	34.5	--	--	--
	07/19/99	5,900	3.40	0.508	0.843	32.9	--	--	--
	10/19/99	1,170	<1.10	<0.500	1.02	8.09	--	--	--
	01/25/00	3,340	<0.960	<0.500	0.749	9.16	--	--	--
	04/19/00	2,250	<0.500	<2.91	2.21	11.1	--	--	--
	07/10/00	115	<0.500	<0.500	<0.500	1.22	--	--	--
	11/14/00	1,900	<0.500	<0.500	7.66	20.4	--	--	--
	01/23/01	457	<0.500	0.515	2.17	6.97	--	--	--
	04/18/01	354	<0.500	<0.500	<0.500	1.84	--	--	--
	07/24/01	283	<0.500	<0.500	1.35	2.77	--	--	--
	11/06/01	739	<0.500	<0.500	4.54	8.72	--	--	--
	01/17/02	860	0.502	<0.500	2.50	5.05	--	--	--
	04/23/02	338	<0.500	<0.500	<0.500	1.78	--	--	--
	07/29/02	78.7	<0.500	<0.500	<0.500	<1.0	--	--	--
	10/10/02	1,880	2.44	<0.500	<0.500	2.66	--	--	--
	01/20/03	529	<0.500	<0.500	<0.500	1.74	--	--	--
	04/14/03	137	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/07/03	1,400	0.639	<0.500	1.74	4.15	--	--	--
	10/20/03	452	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/09/04	757	<0.500	<0.500	<0.500	<1.00	--	--	--
	03/30/04	86.1	<0.500	<0.500	<0.500	1.90	--	--	--
	04/26/04	163	<0.500	<0.500	<0.500	1.45	--	--	--
	05/26/04	207	<0.500	0.560	<0.500	1.95	--	--	--
	07/12/04	321	<0.500	<0.500	<0.500	1.56	--	--	--
	10/11/04	62.5	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/05	94.1	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/28/05	<100	<0.500	<2.00	<1.00	<1.50	--	--	--
	08/18/05	<50.0	<0.500	0.515	<0.500	<1.00	<0.500	<0.500	3.68
MW-3	10/08/92	1,500	<0.5	23	61	<1.0	--	--	--
	11/16/92	1,100	16.3	7.2	11.6	7.1	--	--	--
	01/21/93	1,020	10.6	1.45	<0.5	<0.5	--	--	--
	09/13/93	1,300	13	1.4	<0.5	7.4	--	--	--
	11/15/94	400	3.2	1.1	<0.5	2.2	--	--	--
	04/07/95	150	0.79	<0.5	<0.5	<1.0	--	--	--
	07/06/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/18/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	01/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/22/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	01/07/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/16/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/30/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/20/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--

0440-08 Table 2 Historical GW Analytical Data final version 2.xls

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TABLE 10.
Historical Groundwater Analytical Data¹
Time Oil Company, Facility No. 01-032
1154 Southwest Basin Street, Ephrata, Washington

Well ID	Sample Date ²	GRPH	Benzene ³	Toluene ³	Ethyl- benzene ³	Total Xylenes ³	MTBE	EDB	EDC
MW-3 (cont.)	01/15/98	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/09/98	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/20/98	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/27/99	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/21/99	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/19/99	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/19/99	<50.0	<0.500	<0.500	<0.500	1.02	--	--	--
	01/25/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/19/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/10/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	11/14/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/23/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/18/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/24/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	11/06/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/23/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/29/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/10/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/20/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/14/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/07/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/20/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/09/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	03/30/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/26/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	05/26/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/12/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/11/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/05	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/28/05	<100	<0.500	<2.00	<1.00	<1.50	--	--	--
	08/18/05	<50.0	<0.500	<0.500	<0.500	<1.00	<0.500	<0.500	0.77
MW-4	10/08/92	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	11/16/92	<50	<0.5	0.74	<0.5	2.2	--	--	--
	01/20/93	52	<0.5	<0.5	<0.5	<1.0	--	--	--
	09/13/93	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	11/15/94	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/07/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/06/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/18/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	01/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/22/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	01/07/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/16/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/30/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/20/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	01/15/98	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/09/98	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/20/98	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/27/99	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/20/99	<50.0	<0.500	<0.520	<0.500	<1.00	--	--	--
	07/19/99	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/19/99	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/25/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/19/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/10/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--

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TABLE 10.
Historical Groundwater Analytical Data¹
Time Oil Company, Facility No. 01-032
1154 Southwest Basin Street, Ephrata, Washington

Well ID	Sample Date ²	GRPH	Benzene ³	Toluene ³	Ethyl- benzene ³	Total Xylenes ³	MTBE	EDB	EDC
MW-4 (cont.)	11/14/00	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/23/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/18/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/24/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	11/08/01	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/23/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/29/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/10/02	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/20/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/14/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/07/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/20/03	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/09/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	03/30/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/26/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	05/26/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/12/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/11/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/05	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/28/05	<100	<0.500	<2.00	<1.00	<1.50	--	--	--
MW-5	08/18/05	<50.0	<0.500	<0.500	<0.500	<1.00	<0.500	<0.500	<0.500
	10/08/92	140,000	7,200	24,000	14,000	<1.0	--	--	--
	11/16/92	55,300	4,610	13,600	2,370	9,490	--	--	--
	01/20/93	44,400	2,770	6,100	1,380	3,920	--	--	--
	11/15/94	19,000	540	2,000	530	2,100	--	--	--
	07/06/95	72,000	1,200	5,100	930	13,000	--	--	--
	10/18/95	41,000	1,000	1,600	650	3,900	--	--	--
	01/23/96	3,900	5.20	6.6	30	210	--	--	--
	04/23/96	30,000	250	280	150	2,300	--	--	--
	07/23/96	17,900	33.10	37.80	28.30	1,690	--	--	--
	10/22/96	8,830	31.80	17.60	42.20	647	--	--	--
	01/08/97	5,410	6.21	11.10	71.70	522	--	--	--
	04/16/97	1,380	10.30	5.67	<2.5	178	--	--	--
	07/30/97	68	0.961	<0.5	<0.5	<1.0	--	--	--
	10/20/97	686	1.59	0.509	6.48	46.3	--	--	--
	01/15/98	1,620	2.92	0.924	30.1	17.2	--	--	--
	04/09/98	1,840	<2.50	<2.50	9.17	<5.00	--	--	--
	07/20/98	<50.0	<0.500	0.553	<0.500	<1.00	--	--	--
	01/27/99	267	<0.500	<0.500	2.92	5.86	--	--	--
	04/20/99	205	<0.500	<1.40	1.32	2.97	--	--	--
	07/19/99	72.7	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/19/99	77.2	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/25/00	147	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/19/00	208	<0.600	<0.310	<0.600	<1.30	--	--	--
	07/10/00	514	<0.900	<0.500	<0.680	<1.25	--	--	--
	11/14/00	221	<0.500	<0.500	<0.500	1.38	--	--	--
	01/23/01	160	0.602	<0.500	<0.500	<1.00	--	--	--
	04/18/01	827	1.40	<0.500	1.14	1.84	--	--	--
	07/24/01	250	0.526	<0.500	<0.500	1.34	--	--	--
	11/06/01	82.1	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/02	96.4	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/23/02	147	0.557	<0.500	<0.500	<1.00	--	--	--
	07/29/02	484	0.734	<0.500	<0.500	2.05	--	--	--
	10/10/02	242	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/20/03	410	0.560	<0.500	<0.500	1.05	--	--	--
	04/14/03	533	0.814	<0.500	<0.500	1.07	--	--	--



TABLE 10.
Historical Groundwater Analytical Data¹
Time Oil Company, Facility No. 01-032
1154 Southwest Basin Street, Ephrata, Washington

Well ID	Sample Date ²	GRPH	Benzene ³	Toluene ³	Ethyl- benzene ³	Total Xylenes ³	MTBE	EDB	EDC
MW-5 (cont.)	07/07/03	276	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/20/03	496	0.604	<0.500	<0.500	<1.00	--	--	--
	01/09/04	1,180	<0.500	<0.500	23.6	6.82	--	--	--
	03/30/04	271	0.745	<0.500	<0.500	<1.00	--	--	--
	04/26/04	180	<0.500	<0.500	<0.500	<1.00	--	--	--
	05/26/04	67	<0.500	<0.500	<0.500	<1.00	--	--	--
	07/12/04	389	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/11/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/05	214	<0.500	<0.500	1.18	<1.00	--	--	--
	04/28/05	203	<0.500	<2.00	<1.00	<1.50	--	--	--
MW-6	08/18/05	271	<0.500	<0.500	<0.500	1.56	<0.500	<0.500	0.56
	10/08/92	46,000	2,400	6,500	5,200	<1.00	--	--	--
	11/16/92	42,000	1,990	3,910	1,770	4,300	--	--	--
	01/20/93	10,400	780	1,100	435	761	--	--	--
	04/07/95	7,800	380	800	130	880	--	--	--
	07/06/95	4,500	140	120	180	630	--	--	--
	10/18/95	9,500	18	52	91	980	--	--	--
	01/23/96	65,000	63	710	1,400	8,600	--	--	--
	04/23/96	29,000	27	130	400	2,800	--	--	--
	07/23/96	27,800	12.2	126	72.9	4,290	--	--	--
	10/22/96	15,300	<100	<100	283	2,620	--	--	--
	01/07/97	25,200	3.48	77.7	452	4,000	--	--	--
	04/16/97	15,100	<10.0	21.2	198	2,050	--	--	--
	07/30/97	5,770	3.12	1.66	42.1	273	--	--	--
	10/20/97	11,100	<10.0	<10.0	131	1,220	--	--	--
	01/15/98	8,920	<5.00	5.99	140	1,250	--	--	--
	04/09/98	2,650	<2.50	<2.50	25.2	317	--	--	--
	07/20/98	1,280	<1.00	<1.00	7.50	84.5	--	--	--
	01/27/99	8,890	<2.50	4.85	160	1,210	--	--	--
	04/21/99	7,270	<10.0	<10.0	95.2	854	--	--	--
	07/19/99	751	<0.500	<0.500	9.32	70.6	--	--	--
	10/19/99	322	<0.500	<0.500	7.09	15.8	--	--	--
	01/25/00	401	<0.500	<0.500	3.43	15.3	--	--	--
	04/19/00	312	<0.500	<1.77	4.08	24.2	--	--	--
	07/10/00	205	<0.500	<0.500	3.22	9.22	--	--	--
	11/14/00	821	0.655	0.504	12.6	18.0	--	--	--
	01/23/01	308	<0.500	0.548	4.48	13.5	--	--	--
	04/18/01	234	<0.500	<0.500	1.97	5.4	--	--	--
	07/24/01	62.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	11/06/01	218	<0.500	<0.500	1.84	1.54	--	--	--
	01/17/02	267	<0.500	<0.500	3.89	4.20	--	--	--
	04/23/02	113	<0.500	<0.500	0.858	1.22	--	--	--
	07/29/02	147	<0.500	<0.500	4.20	1.24	--	--	--
	10/10/02	270	<0.500	<0.500	4.53	<1.00	--	--	--
	01/20/03	258	<0.500	<0.500	3.82	1.24	--	--	--
	04/14/03	145	<0.500	<0.500	1.74	<1.00	--	--	--
	07/07/03	136	<0.500	<0.500	1.65	<1.00	--	--	--
	10/20/03	169	<0.500	<0.500	2.35	<1.00	--	--	--
	01/09/04	321	<0.500	<0.500	<0.500	<1.00	--	--	--
	03/30/04	444	0.517	<0.500	5.49	3.71	--	--	--
	04/26/04	247	<0.500	<0.500	2.17	1.58	--	--	--
	05/26/04	409	<0.500	<0.500	8.30	<1.00	--	--	--
	07/12/04	577	<0.500	<0.500	6.85	3.61	--	--	--
	10/11/04	174	<0.500	<0.500	3.06	1.78	--	--	--
	01/17/05	52	<0.500	<0.500	0.858	<1.00	--	--	--
	04/28/05	722	1.12	<2.00	11.8	<1.50	--	--	--
	08/18/05	751	<0.500	<0.500	5.75	1.80	<0.500	<0.500	0.52



TABLE 10
Historical Groundwater Analytical Data¹
Time Oil Company, Facility No. 01-032
1154 Southwest Basin Street, Ephrata, Washington

Well ID	Sample Date ²	GRPH	Benzene ³	Toluene ³	Ethyl- benzene ³	Total Xylenes ³	MTBE	EDB	EDC
MW-7	11/16/92	67,000	9,000	32,000	3,400	22,000	--	--	--
	02/03/93	2,000,000	5,800	44,000	11,000	94,000	--	--	--
	10/18/95	98,000	1,500	8,400	1,300	14,000	--	--	--
	01/23/96	86,000	190	2,400	590	13	--	--	--
	04/23/96	54,000	210	1,500	40	900	--	--	--
	07/23/96	130,000	243	6,260	1,110	18,900	--	--	--
	10/22/96	22,800	<250	679	<250	5,870	--	--	--
	01/08/97	14,600	52.7	226	<12.5	2,220	--	--	--
	04/16/97	171	0.607	0.570	0.564	22.1	--	--	--
	07/30/97	106	<0.5	<0.5	<0.5	2.44	--	--	--
	10/20/97	5,460	10.70	3.53	11.3	412	--	--	--
	01/15/98	5,870	13.6	23.6	31.5	562	--	--	--
	04/09/98	12,700	<25.0	<25.0	105	970	--	--	--
	07/20/98	19,700	<25.0	<25.0	180	1,730	--	--	--
	01/27/99	8,960	7.62	16.1	125	821	--	--	--
	04/21/99	8,110	<5.00	<18.0	107	866	--	--	--
	07/19/99	2,420	2.41	1.24	33.4	163	--	--	--
	10/19/99	3,610	<3.50	3.41	94.4	330	--	--	--
	01/25/00	11,500	<2.57	1.98	256	493	--	--	--
	04/19/00	9,420	<2.50	<5.00	258	463	--	--	--
	07/10/00	2,090	<1.70	<0.500	21.1	63.7	--	--	--
	11/14/00	5,350	2.03	<1.14	105	245	--	--	--
	01/23/01	5,370	1.67	2.1	127	269	--	--	--
	04/18/01	9,240	3.57	<2.50	181	248	--	--	--
	07/24/01	1,760	1.26	<0.500	21.5	24.8	--	--	--
	11/06/01	1,310	1.98	<0.500	6.38	7.01	--	--	--
	01/17/02	1,260	1.00	<0.500	4.94	8.64	--	--	--
	04/23/02	646	0.900	4.39	2.27	10.0	--	--	--
	07/29/02	2,520	<0.500	0.905	5.31	10.9	--	--	--
	10/10/02	2,300	1.36	<0.500	8.43	17.8	--	--	--
	01/20/03	5,260	0.804	0.504	18.4	47.2	--	--	--
	04/14/03	1,540	1.60	1.28	4.00	25.6	--	--	--
	07/07/03	391	3.77	5.09	2.89	13.2	--	--	--
	10/20/03	601	1.28	2.26	3.93	7.14	--	--	--
	03/30/04	117	8.24	1.92	<0.500	12.80	--	--	--
	04/26/04	7,750	3.31	<0.500	29.8	261	--	--	--
	05/26/04	2,260	1.58	5.60	3.01	65.3	--	--	--
	07/12/04	173	<0.500	0.849	<0.500	1.35	--	--	--
	01/17/05	<50.0	<0.500	0.683	<0.500	1.76	--	--	--
	04/28/05	<100	<0.500	<2.00	<1.00	<1.50	--	--	--
	08/18/05	--	--	--	--	--	--	--	--
MW-8	11/16/92	920	220	6.2	<0.5	15	--	--	--
	01/20/93	482	5.2	4.41	<0.5	37.5	--	--	--
	09/13/93	1,900	8.9	59	14	172	--	--	--
	11/15/94	95	0.54	<0.5	<0.5	<1.0	--	--	--
	04/07/95	170	1.6	2.91	1.0	9.5	--	--	--
	07/06/95	59	3.2	1.1	<0.5	<1.0	--	--	--
	10/18/95	<50	<0.5	<0.5	<0.5	1.1	--	--	--
	01/23/96	<50	0.56	0.94	<0.5	4.2	--	--	--
	04/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
MW-9	08/18/05	--	--	--	--	--	--	--	--
	11/16/92	51,000	1,200	8,000	1,660	8,170	--	--	--
	01/20/93	131,000	1,570	20,100	3,020	6,370	--	--	--
	09/13/93	190,000	610	26,000	3,900	36,000	--	--	--
	10/18/95	7,200	60	<0.5	<0.5	520	--	--	--
	01/23/96	12,000	13	24	<0.5	460	--	--	--
	04/23/96	4,200	12	8.5	<0.5	190	--	--	--

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TABLE 10.
Historical Groundwater Analytical Data¹
Time Oil Company, Facility No. 01-032
1154 Southwest Basin Street, Ephrata, Washington

Well ID	Sample Date ²	GRPH	Benzene ³	Toluene ³	Ethyl- benzene ³	Total Xylenes ³	MTBE	EDB	EDC
MW-9 (cont.)	07/23/96	7,640	6.87	2.86	4.31	286	--	--	--
	10/22/96	4,780	2.61	<2.5	62.40	167	--	--	--
	01/08/97	4,460	1.49	<0.50	3.56	120	--	--	--
	04/16/97	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/30/97	962	0.83	<0.5	2.23	10.7	--	--	--
	10/20/97	7,370	4.69	<2.5	57.40	95.30	--	--	--
	01/15/98	1,340	2.56	1.09	23.7	23.5	--	--	--
	04/09/98	4,470	2.52	1.51	87.7	55.4	--	--	--
	07/20/98	9,840	<12.5	<12.5	151	225	--	--	--
	01/27/99	5,150	<5.00	<5.00	85.2	275	--	--	--
	04/21/99	6,550	<2.50	<6.00	111	164	--	--	--
	07/19/99	2,680	3.21	0.942	33.7	36.0	--	--	--
	10/19/99	1,990	3.64	1.40	47.6	59.3	--	--	--
	10/19/99	1,990	3.64	1.40	47.6	59.3	--	--	--
	01/25/00	2,760	<2.00	<0.700	59.1	62.9	--	--	--
	04/19/00	5,980	<2.50	<10.5	146	103	--	--	--
	07/10/00	1,130	<1.34	2.36	32.1	29.5	--	--	--
	11/14/00	4,490	4.59	<4.65	72.3	96.8	--	--	--
	01/23/01	550	1.82	1.53	34.3	13.4	--	--	--
	04/18/01	4,050	2.97	4.78	23.5	55.5	--	--	--
	07/24/01	3,790	2.55	3.40	54.6	58.2	--	--	--
	11/06/01	1,180	2.38	2.93	57.7	37.2	--	--	--
	01/17/02	2,490	1.94	2.76	62.5	79.0	--	--	--
	04/23/02	2,730	3.16	3.23	16.6	85.3	--	--	--
	07/29/02	9,590	3.67	6.56	147	556	--	--	--
	10/10/02	2,940	2.37	0.897	60.6	46.2	--	--	--
	01/20/03	3,670	1.48	1.62	70.0	148	--	--	--
	04/14/03	1,610	1.01	<0.500	11.1	34.6	--	--	--
	07/07/03	2,750	0.866	0.811	36.9	114	--	--	--
	10/20/03	2,130	1.24	0.638	57.0	56.0	--	--	--
	01/09/04	7,360	2.25	1.61	124	242	--	--	--
	03/30/04	233	<0.500	<0.500	0.576	2.74	--	--	--
	04/26/04	575	<0.500	<0.500	5.71	9.51	--	--	--
	05/26/04	925	0.619	<0.500	10.9	3.44	--	--	--
	07/12/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	10/11/04	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	01/17/05	<50.0	<0.500	<0.500	<0.500	<1.00	--	--	--
	04/28/05	<100	<0.500	<2.00	<1.00	<1.50	--	--	--
	08/18/05	<50.0	<0.500	<0.500	<0.500	<1.00	<0.500	<0.500	0.7
MW-10	11/16/92	470	4.7	1.2	0.57	2.68	--	--	--
	02/03/93	<50	0.74	<0.5	<0.5	<1.0	--	--	--
	09/13/93	190	0.82	0.66	<0.5	<1.0	--	--	--
	11/15/94	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/07/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/06/95	52	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/18/95	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	01/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	04/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	07/23/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	10/22/96	<50	<0.5	<0.5	<0.5	<1.0	--	--	--
	08/18/05	<50.0	<0.500	<0.500	<0.500	<1.00	<0.500	<0.500	<0.500
MW-11	11/16/92	51,000	870	4,170	1,200	6,670	--	--	--
	01/20/93	94,300	800	7,950	1,840	15,700	--	--	--
	11/15/94	42,000	110	820	1,500	6,200	--	--	--
	04/07/95	38,000	54	340	740	3,300	--	--	--
	07/06/95	120	2.70	1.50	2.80	23	--	--	--
	10/18/95	1,200	13	2.90	6.40	110	--	--	--
	01/23/96	330	2	<0.5	<0.5	19	--	--	--

0440-00 Table 2 Historical GW Analytical Data final version 2.xls

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6.4 Environmental Covenant

After Recording Return to:
Time Oil Co.
Real Estate Department
P. O. Box 24447
Seattle, WA 98124-0447

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TIME OIL CO



Environmental Covenant

Grantor: Time Oil Co.
Grantee: State of Washington, Department of Ecology
Legal: Tx #9982 Lot 2, Blk 10 and TX # 1992 Lot 3, Blk 10, Ephrata Orchard Homes
Tax Parcel Nos.: 14-0164-001, 14-0168-000, 14-0169-000 and 14-0166-000

Grantor, Time Oil Co., hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 21st day of September, 2007 in favor of the Grantee, the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Grantor, its successors and assigns, and Grantee, the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the documents on file at Ecology's Eastern Regional Office.

This Covenant is required because according to the RI/FS of the property by Agra (October, 1993), concentrations of gasoline-range petroleum hydrocarbons, benzene, toluene, ethylbenzene, and total xylenes have been detected at concentrations above the MTCA Method A cleanup level in the vicinity of MW-2, MW-6, and/or MW-9.

The undersigned, Grantor, is the fee owner of real property (hereafter "Property") in the County of Grant, State of Washington, that is subject to this Covenant. The Property is

legally described on the attached Exhibit "A" and is referenced as if fully set forth herein.

Grantor makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. 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 without prior written approval from Ecology. Some examples of activities that are so prohibited in the capped areas 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 surface with a rod, spike or similar item, bulldozing or earthwork.

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 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 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

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TIME OIL CO


samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this 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.

YB
Time Oil Co.

Dated: 5-19-07

By: H. Roger Holliday

H. Roger Holliday

Its: President

By: Raymond Stromer 7/21/07

Raymond Stromer

Its: Secretary

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

George G. Gidycz

[Name of Person Acknowledging Receipt]

[Title] SECTION MANAGER

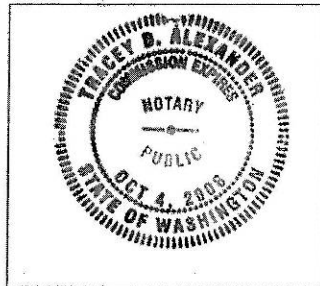
Dated: 10-01-07

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TIME OIL CO


STATE OF WASHINGTON)
) ss.
COUNTY OF KING

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 21 day of September, 2007 personally appeared before me H. Roger Holliday, to me known to be and upon oath did say that he is the President of Time Oil Co., and Raymond Stromer, to me known to be and upon oath did say he is the Secretary of Time Oil Co., a corporation duly organized under the laws of the State of Washington and duly authorized to do business in this state ; that said corporation executed the within and foregoing instrument , and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath did state that he was authorized to execute said instrument and that the seal affixed is the corporate seal of the said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of the board of directors of said corporation.

GIVEN under my hand and official seal this 21 day of September, 2007



Tracey B. Alexander
Notary Public in and for the State of Washington,
residing at Seattle, WA
My commission expires: OCT 4, 2008
Tracey B. Alexander
[Type or Print Notary Name]


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Exhibit "A"

The land referred to in this commitment is described as follows:

PARCEL 1

That portion of Lot 2, Block 10, Ephrata Orchard Homes, according to the plat thereof recorded in Acreage Plats, page 11, records of Grant County, Washington, described as follows:

Beginning at the monument at the intersection of 11th Avenue S.W. and "B" Street S.W. (P.S.H. #7) as shown on the plat of Wickwire Addition to Ephrata, according to the plat thereof recorded in Volume 3 of Plats, page 14; thence South 26°08'45" West along the centerline of said "B" Street S.W., 464.02 feet; thence South 63°51'15" East, following the Northwestern projection of the Southwesterly boundary of said Lot 2, a distance of 50 feet to a point on the Easterly right of way of said "B" Street S.W. and the True Point of Beginning, thence North 26°08'45" East, following said right of way boundary, 50 feet; thence South 63°51'15" East, parallel to the Southwesterly boundary of said Lot 2, a distance of 75 feet; thence South 26°08'45" West, parallel to the said Easterly right of way, 50 feet to an intersection with the Southwesterly boundary of said Lot 2; thence North 63°51'15" West, following the Southwesterly boundary of said Lot 2, a distance of 75 feet to the True Point of Beginning.

PARCEL 2:

A portion of Lot 3, Block 10, Ephrata Orchard Homes, according to the plat thereof recorded in Acreage Plats, page 11, records of Grant County, Washington, described as follows:

Commencing at the most Easterly corner of said Lot 3; thence Northwesternly along the Northeasterly boundary line of said Lot 3, a distance of 350 feet to the True Point of Beginning; thence Southwesterly parallel with the Southeasterly boundary line of said Lot 3, a distance of 90 feet; thence Northwesternly parallel with the Northeasterly boundary line of said Lot 3, a distance of 75 feet to an intersection with the Southeasterly boundary line of Primary State Highway #7 (B Street S.W.); thence Northeasterly along the said Southeasterly boundary line, a distance of 90 feet; thence Southeasterly along the Northeasterly boundary line of said Lot 3, a distance of 75 feet to the True Point of Beginning.

PARCEL 3:

That portion of Lot 3, Block 10, Ephrata Orchard Homes, according to the plat thereof recorded in Acreage Plats, page 11, records of Grant County, Washington, described as follows:

Beginning at the most Easterly corner of said Lot 3; thence Northwesternly along the Northeasterly boundary line, 250 feet to the true point of beginning; thence continuing Northwesternly along the Northeasterly boundary of said Lot 3, a distance of 100 feet; thence Southwesterly parallel with the Southeasterly boundary of Lot 3, a distance of 90 feet; thence Southeasterly parallel with the Northeasterly boundary of Lot 3, a distance of 100 feet; thence Northeasterly parallel to the Southeasterly boundary of Lot 3, a distance of 90 feet to the true point of beginning.

PARCEL 4:

That portion of Lot 3, Block 10, Ephrata Orchard Homes, according to the plat thereof recorded in Acreage Plats, page 11, records of Grant County, Washington, described as follows.

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Commitment No. 208189

SCHEDULE A CONTINUED
(Continued)

Beginning at the most Easterly corner of said Lot 3; thence Northwesterly along the Northeasterly boundary line, a distance of 210 feet to the true point of beginning; thence continuing Northwesterly along the Northeasterly boundary of said Lot 3, a distance of 40 feet; thence Southwesterly parallel to the Southeasterly boundary of Lot 3, a distance of 90 feet; thence Southeasterly parallel to the Northeasterly boundary of Lot 3, a distance of 40 feet; thence Northeasterly parallel to the Southeasterly boundary of Lot 3, a distance of 90 feet to the true point of beginning.

**LINES IN ORIGINAL
DOCUMENT**

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6.5 Photo log

Photo 1: Short Stop Fuel Station - from the south



Photo 2: Pump Island and Former Remediation System Trench – from the north



Photo 3: Former Remediation System Trenching– from the west



Photo 4: West Side of Property and Vicinity – from the north

