



**PERIODIC REVIEW REPORT
FINAL**

**Foss Car Audio
Facility Site ID#: 60958235**

**3732 South Cedar Street
Tacoma, Washington 98409**

Southwest Region Office

TOXICS CLEANUP PROGRAM

June 2013

TABEL OF CONTENTS

1.0 INTRODUCTION.....	1
2.0 SUMMARY OF SITE CONDITIONS	2
2.1 Site History	2
2.2 Site Investigations and Remedial Activities	2
2.3 Restrictive Covenant.....	3
3.0 PERIODIC REVIEW.....	4
3.1 Effectiveness of completed cleanup actions	4
3.2 New scientific information for individual hazardous substances for mixtures present at the Site	4
3.3 New applicable state and federal laws for hazardous substances present at the Site	4
3.4 Current and projected site use.....	4
3.5 Availability and practicability of higher preference technologies	4
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels	5
4.0 CONCLUSIONS.....	6
4.1 Next Review.....	6
5.0 REFERENCES.....	7
6.0 APPENDICES	8
6.1 Vicinity Map	9
6.2 Site Plan	10
6.3 Soil Boring Locations	11
6.4 Soil Sample Results.....	13
6.5 Restrictive Covenant.....	14
6.6 Photo Log.....	21

1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup conditions to ensure that human health and the environment are being protected at the Foss Car Audio property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons 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). 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 (NFA) 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 or mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

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 Foss Car Audio facility is located at 3732 South Cedar Street in the City of Tacoma in Pierce County, Washington (Vicinity Map - Appendix 6.1). Remedial activities were conducted at the Site between 1999 and 2001. The Site was removed from the VCP in 2006 due to inactivity.

The property contains a single 4,000-square-foot building on approximately 0.40 acres of land. The Site was first developed as a car lot in 1971. A transmission repair facility occupied the Site from 1972 to 1987. Several hydraulic lifts were installed in the service bays of the building during this time. Foss Car Audio has occupied the Site since 1987. A Site Plan is enclosed as Appendix 6.2.

2.2 Site Investigations and Remedial Activities

A Site assessment was conducted at the Site in 1999. The assessment consisted of soil sampling and analysis of samples collected from nine soil borings advanced by direct push hydraulic sampling rig. Four borings were advanced in the service bays adjacent to hydraulic lifts, and five borings were advanced in the northern parking area.

Sample results indicated the presence of diesel-range total petroleum hydrocarbons [TPH-D: 2100 milligrams per kilogram (mg/Kg)] at 9 feet below ground surface (bgs) at one boring location. This TPH-D concentration exceeded the MTCA Method A cleanup level of 2000 mg/Kg. Due to the composition of the contamination, it was suspected that this contamination was related to floor drains rather than the hydraulic lifts. It appears that the contamination was the result of work bays being washed down periodically over a period of about 30 to 40 years with the water running down a French drain. Once it was discovered, the drain was immediately sealed so that the problem could not continue. No contamination was detected north of the building.

In 2001, an additional four borings were advanced in the service bays and seven more were advanced along the east side of the building. This sampling confirmed contamination in the service bay area to a maximum depth of 15 feet bgs at two boring locations. The detected TPH (diesel plus oil) concentrations were 3050 mg/Kg, which also exceeded MTCA Method A cleanup level of 2000 mg/Kg. No contamination was detected on the east side of the building. Since all TPH-D contaminated soil was below the building, no excavation was conducted. Soil boring locations and all the results are included as Appendix 6.3 and Appendix 6.4, respectively.

The groundwater occurs at a depth of approximately 83 feet bgs in the vicinity of the Site. Since the moderate TPH-D concentrations extend to a maximum depth of 15 feet, it was concluded that it is highly unlikely that the groundwater is impacted by this contamination.

Ecology issued a Partial Sufficiency letter and Interim NFA determination following remedial activities on May 30, 2006 and September 26, 2001 respectively.

2.3 Restrictive Covenant

In 2001, Ecology received a Restrictive Covenant (RC) for the property; however, there was no evidence that the RC was recorded. In October 2012, Ecology requested the property owner to record the RC in the Pierce County. On November 2, 2012, the RC was recorded and a copy is enclosed as Appendix 6.5. Since no additional action is required at this time, Ecology is in the process of issuing a final NFA letter replacing the interim NFA letter issued on September 26, 2001. The RC contains the following limitations:

1. The owner shall not remove or alter the existing structures in a manner that may result in the release of contaminated soil that remains on the property.
2. Any activity on the Site that may interfere with or reduce the effectiveness of the Cleanup Action is prohibited.
3. Any activity that may result in the release of a hazardous substance that remains on the property is prohibited.
4. The owner of the Site must give written notice to Ecology of the owner's intent to convey any interest in the Site.
5. The owner must restrict leases to uses and activities consistent with the RC.
6. The owner must notify and obtain approval from Ecology prior to any use of the Site that may be inconsistent with the terms of the RC.
7. The owner or successor owner shall grant Ecology the right to enter the Site at reasonable times.
8. The owner or successor owner reserves the right to remove this Covenant with Ecology's approval.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on October 30, 2012, the building and asphalt cover at the Site continue to provide an adequate barrier to exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition. The Site is still operating as a car audio and electronics store. A photo log is available as Appendix 6.6.

1. The RC for the Site was recorded and is in place. This RC prohibits activities that will result in the release of contamination at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. The RC serves to ensure the long-term integrity of the asphalt/concrete cap and not to remove or alter the existing structures in a manner that may result in the release of contaminated soil that remains on the property. Contamination remains at the Site between 9 and 15 feet bgs beneath impermeable surfaces and does not pose a threat to human health through direct contact.

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

Cleanup levels have not changed for contaminants of concern at the Site, since the interim NFA was issued on September 26, 2001.

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 affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

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 soil cleanup standards since the long-term integrity of the containment system is ensured, the requirements for containment technologies in WAC 173-340-360(8) have been met.

The RC for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, Ecology has determined that remedial actions conducted at the Site continues to be protective of human health or the environment. The requirements of RC have been met and no additional remedial actions are required at this time. It is the property owner's responsibility to continue to inspect the Site to ensure that the integrity of the asphalt 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

Saltbush Environmental Services, Inc. 1999. Limited Soil Sampling and Testing.

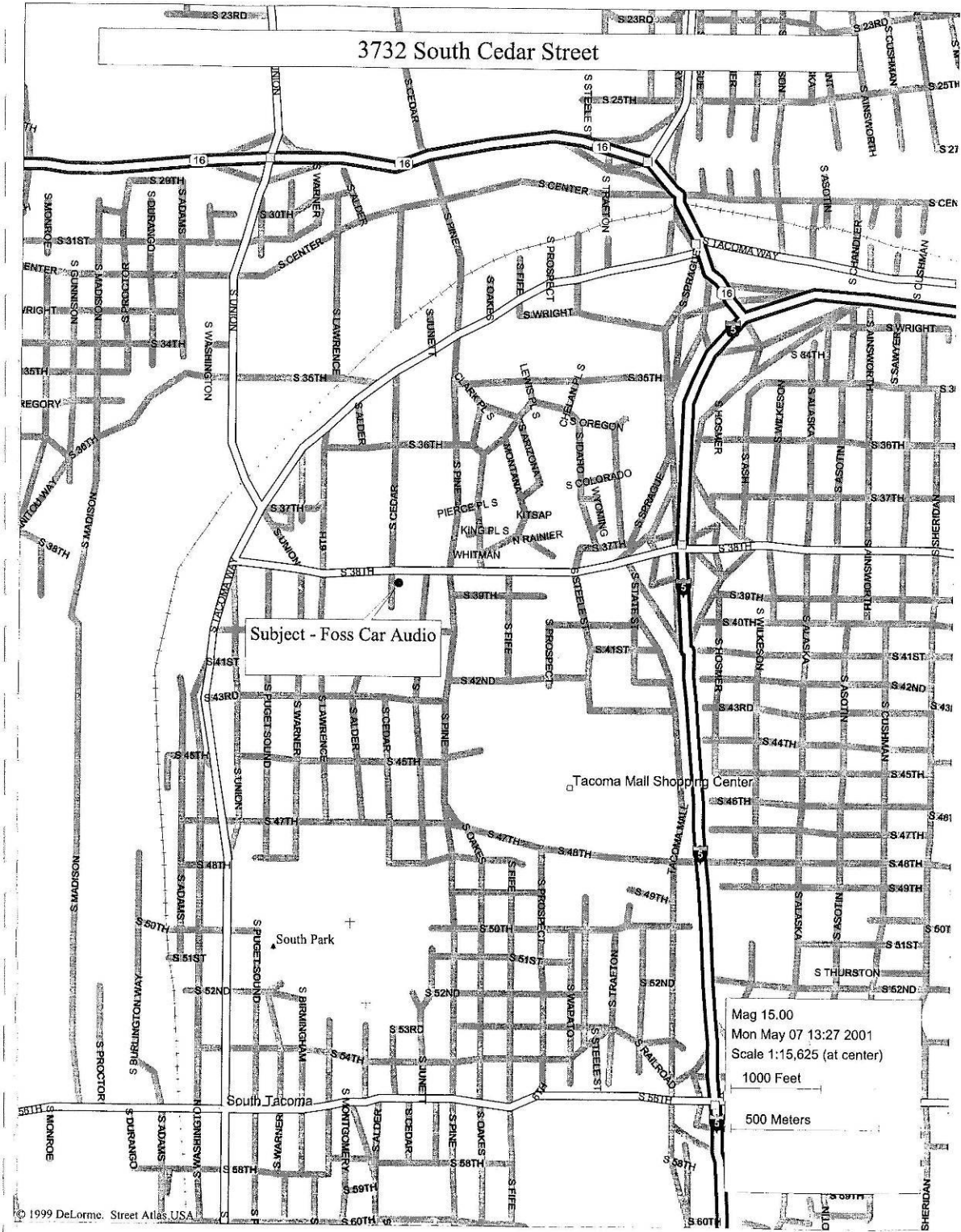
Saltbush Environmental Services, Inc. 2001. Contamination Delineation Assessment.

Ecology, 2001, Draft Restrictive Covenant

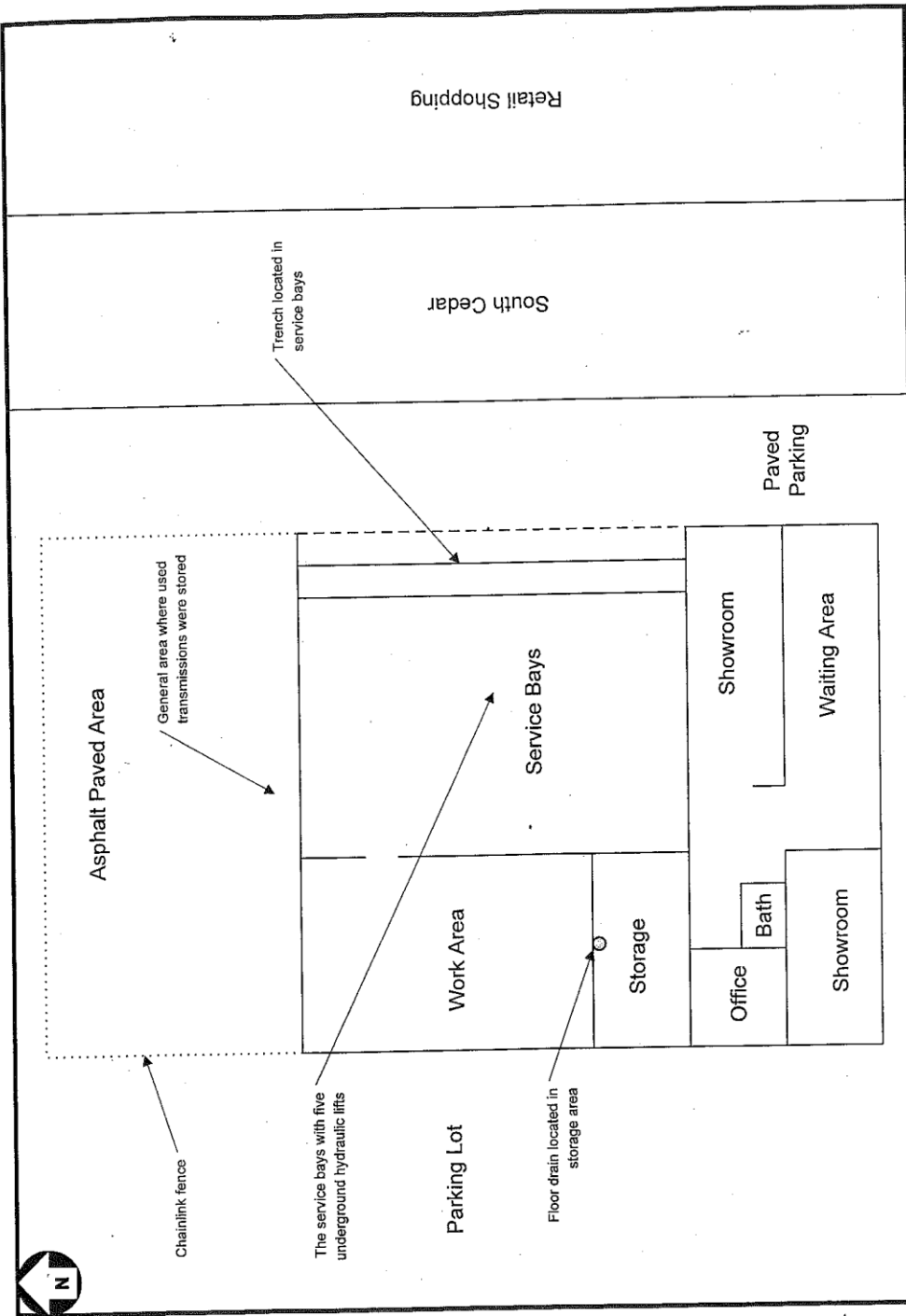
Ecology, October 30, 2012, Site Visit

6.0 APPENDICES

6.1 Vicinity Map

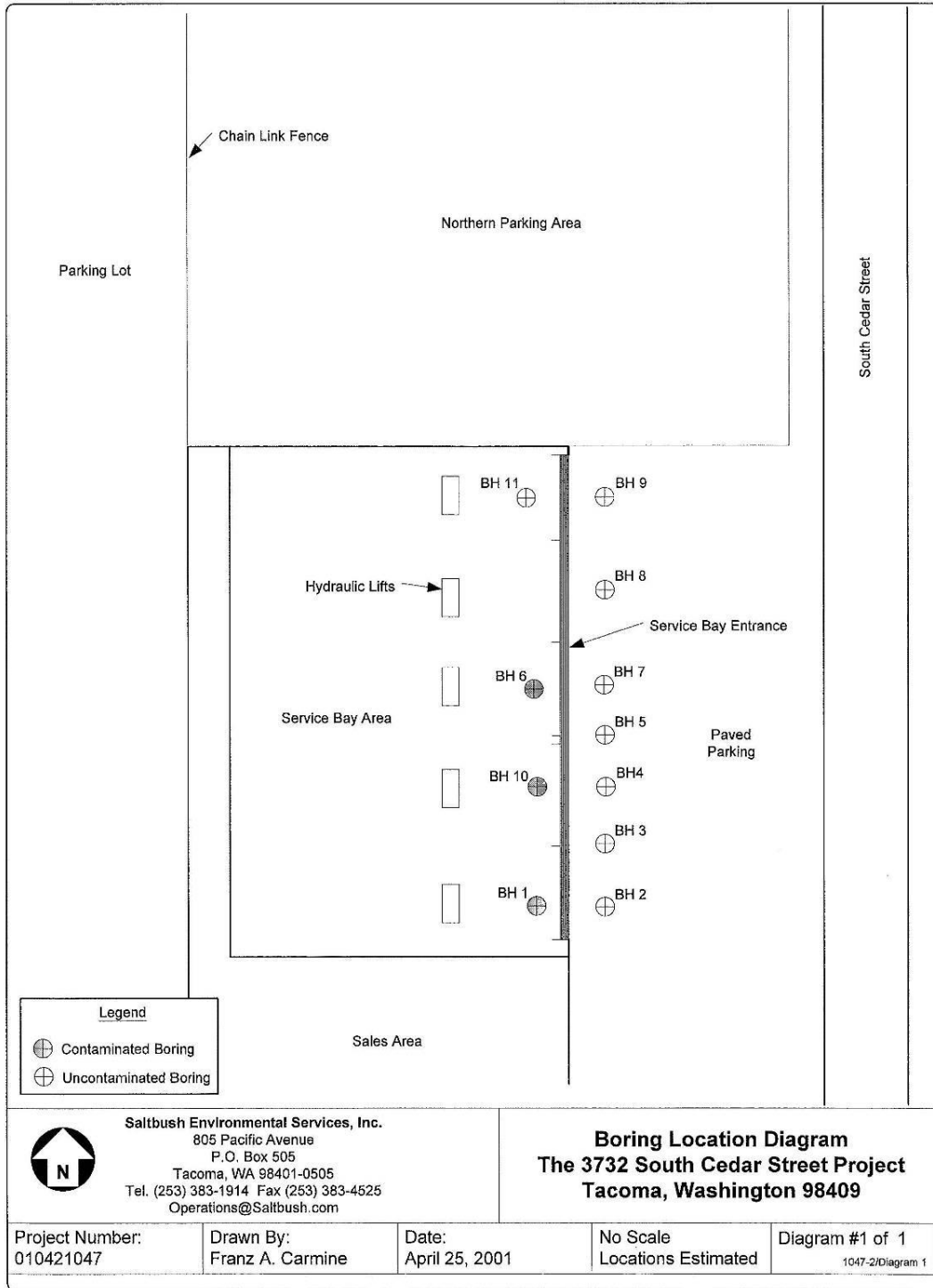


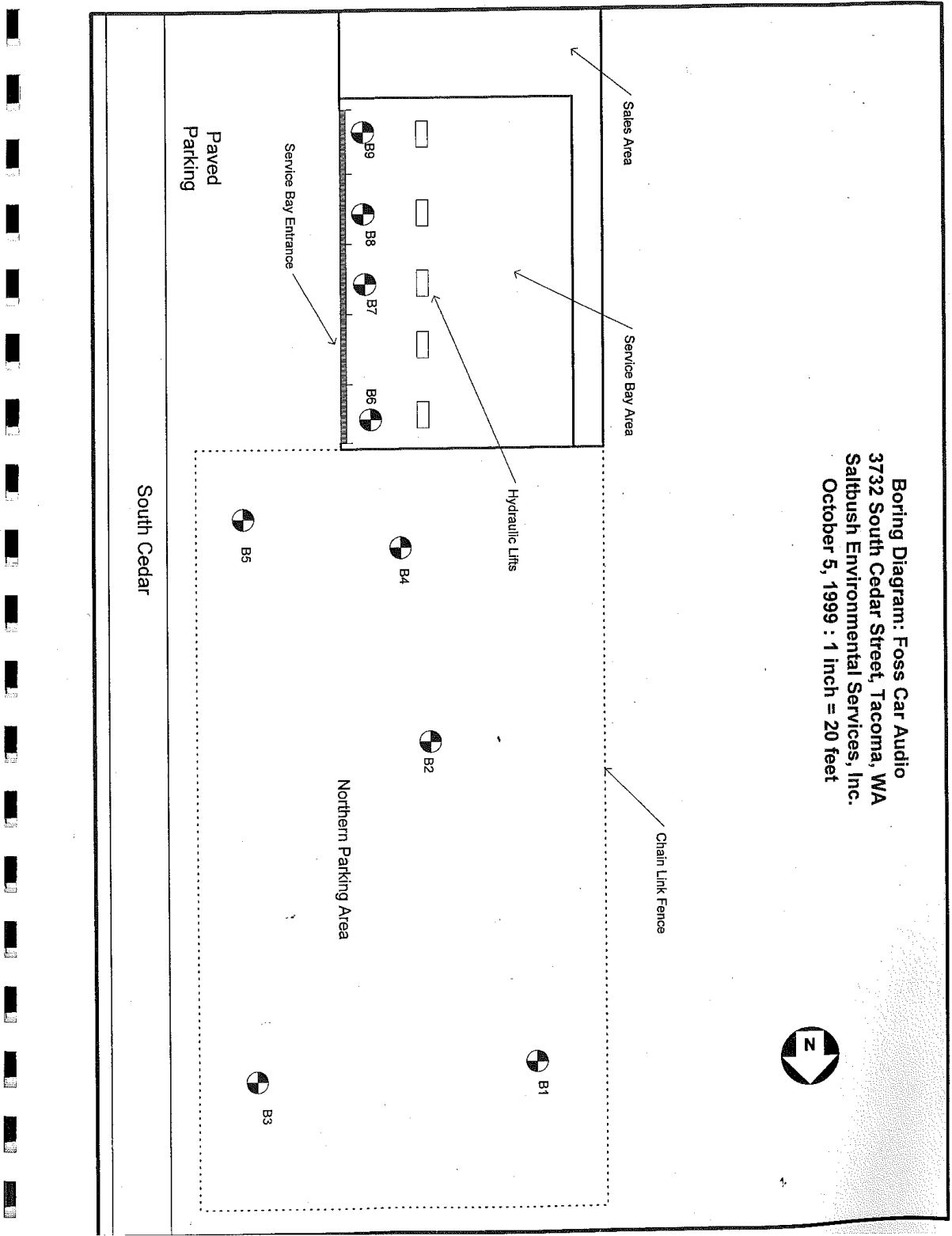
6.2 Site Plan



Site Diagram: Foss Car Audio
3732 South Cedar Street, Tacoma, WA
Saltbush Environmental Services, Inc.
August 4, 1999 : No Scale

6.3. Soil Boring Locations





6.4 Soil Sample Results

FOSS CAR AUDIO PROJECT
 Tacoma, Washington
 Saltbush Environmental, Inc.
 Client Project #1047-2

Analyses of Diesel & Oil (NWTPH-Dx/Dx Extended) in Soil

Sample Number	Date Analyzed	Surrogate Recovery (%)	Diesel (mg/kg)	Oil (mg/kg)
Method Blank	4/20/01	94	nd	nd
Method Blank	4/23/01	105	nd	nd
S2-41901	4/20/01	int	1980	nd
S4-41901	4/20/01	int	2700	nd
S7-41901	4/20/01	92	nd	nd
S11-41901	4/20/01	97	nd	nd
S12-41901	4/20/01	105	nd	nd
S17-41901	4/23/01	93	nd	nd
S20-41901	4/23/01	103	nd	nd
S21-41901	4/23/01	int	530	1110
S27-41901	4/20/01	93	nd	nd
S29-41901	4/20/01	93	nd	nd
S29-41901 Dup	4/23/01	99	nd	nd
S32-41901	4/20/01	92	nd	nd
S32-41901 Dup	4/23/01	79	nd	nd
S34-41901	4/20/01	121	135	630
S36-41901	4/20/01	int	2700	350
S38-41901	4/23/01	73	nd	nd
Method Detection Limits			20	40

"nd" Indicates not detected at the listed detection limits.

"int" Indicates that interference prevents determination.

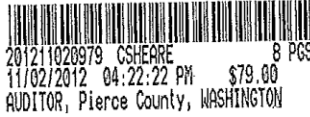
3.0 LABORATORY ANALYTICAL RESULTS

Table 1
 Soil Sample Results (mg/Kg, ppm)

Sample ID/ Analyte	WTPH-D (Diesel Range)	Heavy Oils
B1-9ft.	<25	<100.0
B2-12ft.	<25	<100.0
B3-9ft.	<25	<100.0
B4-3ft.	<25	<100.0
B5-9ft.	<25	<100.0
B6-7ft.	<25	<100.0
B7-9ft.	920	<100.0
B7-12ft.	<25	<100.0
B8-2.5ft.	75	<100.0
B9-9ft.	2,100	<100.0
MTCA Method A Cleanup Level		200.0

- **Bold** indicates the results over the MTCA Method A cleanup levels.
- < denotes less than the method reporting limit stated
- Laboratory Test Results are located in Appendix 2.

6.5 Restrictive Covenant



After Recording Return to:

Dennis Smart
Cedar Properties Management Inc.
2940 76th Avenue SE, Suite 301
Mercer Island, WA 98040

RECEIVED

NOV 13 2012

WA State Department
of Ecology (SWRO)

WASHINGTON STATE COUNTY AUDITOR / RECORDER'S
INDEXING FORM (Cover Sheet)
(RCW 65.04)

Please print or type information

Documents Title(s) (or transactions contained therein): Foss Car Audio, 3732 South Cedar Street, Tacoma, WA 98409 DECLARATION OF RESTRICTIVE COVENANT
Reference Number(s) of Documents assigned or released:
Additional reference #s on page _____ of document.
Grantor(s) (Last name first, then first name and initials) Cedar Properties Management Inc. <input type="checkbox"/> Additional names on page _____ of document.
Grantee(s) (Last name first, then first name and initials) State of Washington, Department of Ecology <input type="checkbox"/> Additional names on page _____ of document.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) Section 18 Township 20 Range 03 Quarter 24 WINGS: WINGS E 70 FT L 10 THRU 19 B 19 SE OF NW 18-20-03E APPROX 17,500 SQ FT OUT OF 107-1 SEG S-0716 SG ES <input type="checkbox"/> Additional legal is on page _____ document.
Assessor's Property Tax Parcel / Account Number 1200055884 9710001072 <input type="checkbox"/> Assessor Tax # not yet assigned.
The Auditor / Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

RESTRICTIVE COVENANT
Page 1

RESTRICTIVE COVENANT

Mr. Dennis Smart and Ms. LaFaye Smart, Foss Car Audio Property

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

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property consisted of identifying inaccessible contamination located underneath an existing building on the property. These activities are described in the following documents: Phase I Environmental Site Assessment dated 8/9/99, Limited Soils Sampling and Testing Assessment dated 10/2/99, Limited Phase II Environmental Assessment dated 4/30/01, Contamination Delineation Assessment dated 5/7/01. These documents are on file at Ecology's SWRO and define the probable nature of and limited extent of contamination underneath an existing building.

This Restrictive Covenant is required because the site characterization resulted in residual concentrations of petroleum hydrocarbons that exceed the Model Toxics Control Act Method A

09/04/01
modl_rc.doc

RESTRICTIVE COVENANT
Page 2

Residential Cleanup Levels for soil established under WAC 173-340.

The undersigned, Mr. Dennis Smart and Ms. LaFaye Smart are the fee owners of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as generally located within the Southeast Quarter of the Northwest Quarter of Section 18, Township 20 North, Range 03 East, W.M. More specifically, the site is located at 3732 South Cedar Street, Tacoma, Washington 98409. Pierce County records note the subject property as one (1) tax parcel assigned account number 971000-107-2.

Mr. Dennis Smart and Ms. LaFaye Smart make 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. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the building. The Owner shall not alter, modify, or remove the existing structure

09/04/01
modl_rc.doc

RESTRICTIVE COVENANT
Page 3

in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

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) 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.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve

09/04/01
modl_rc.doc

RESTRICTIVE COVENANT
Page 4

any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, 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 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.

09/04/01
modl_rc.doc

RESTRICTIVE COVENANT
Page 5

Dennis K Smart
Mr. Dennis Smart

PEGGY E. CARVER
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES 1-01-04

9/7/01
DATE SIGNED

LaFaye Smart
Ms. LaFaye Smart

PEGGY E. CARVER
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES 1-01-04

9-11-01
DATE SIGNED

[NOTE: The Property Owner must have this Restrictive Covenant
notarized.]

PEGGY E. CARVER
STATE OF WASHINGTON

ACKNOWLEDGMENT - ORDINARY
STATE OF WASHINGTON } ss.
County of King

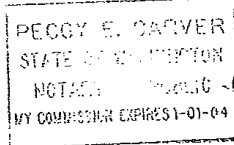
NOTARY PUBLIC
MY COMMISSION EXPIRES 1-01-04

On this day personally appeared before me Dennis K. Smart

to me known to be the individual described in and who executed the within and foregoing instrument and
acknowledged to me that He signed the same as His free and voluntary act and deed for the
purposes therein mentioned.

Given under my hand and official seal this 7th of September, 2001
Peggy E. Carver / Peggy E. Carver
Notary Public in and for the State of Washington, residing at Seattle, WA

PEGGY E. CARVER
STATE OF WASHINGTON

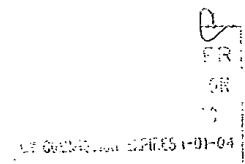


ACKNOWLEDGMENT – ORDINARY
STATE OF WASHINGTON } ss.
County of King

On this day personally appeared before me La Faye Smart

to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that She signed the same as Her free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 11th Day of September, 2001
Peggy E. Carver / PEGGY E. CARVER
Notary Public in and for the State of Washington, residing at Seattle, WA



6.6 Photo Log

Photo 1: Work Bay Interior – from the south



Photo 2: Facility Exterior – from the southeast



Photo 3: Service Bay Exterior – from the southeast



Photo 4: West Side of the Building – from the southwest

