



PERIODIC REVIEW

**Orondo Market Place
Facility/Site ID #: 72427959**

**21318 State Highway 97
Orondo, Washington 98843**

Central Region Office

TOXICS CLEANUP PROGRAM

October 21, 2008

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to ensure that human health and the environment are being protected at the Orondo Market Place site (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. The cleanup actions resulted in concentrations of petroleum hydrocarbons (TPH) in soil 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 opinion 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;
- (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; and
- (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 Orondo Market Place property is located in the City of Orondo in Douglas County, Washington (Vicinity Map - Appendix 6.1). Following remedial activities, a restrictive covenant was recorded for the property in 2000 and the Site received a No Further Action determination.

The Orondo Market Place property was first developed in the early 1940s as a small retail market. The building was modified several times and was occupied by an automotive service station at some point. In 1985, new gasoline tanks and pumps were installed at the Site, and the store was branded Texaco. The station currently operates under the Cenex brand.

2.2 Site Investigations and Remedial Activities

Abandoned underground storage tanks (USTs) were discovered at the Site when an old fill pipe was observed near the grocery store. The pipe was probed, and the presence of waste oil was confirmed. In 1996, this tank was decommissioned. During the decommissioning process, two additional USTs were discovered. Discolored soil and a petroleum hydrocarbon-like odor were observed in the vicinity of the second UST indicating a likely release of petroleum hydrocarbons to soil.

Petroleum hydrocarbon contaminated soils (PCS) were excavated in the vicinity of the USTs. PCS extended below and to the north of the UST excavation. Excavation to the east was limited by the highway right-of-way. A total of 104 cubic yards of PCS was hauled to Morris Asphalt where it was used as asphalt base material. Groundwater was not observed at the excavation's maximum depth of 26 feet below ground surface.

Confirmation samples were collected from the limits of the excavation. The soil sample from the south sidewall of the excavation had a heavy oil-range petroleum hydrocarbon (TPH-O) concentration of 420 parts per million (ppm). The soil sample from the north sidewall of the excavation had a TPH-O concentration of 314 ppm. The soil samples from the west sidewall and the bottom of the excavation did not detect the presence of petroleum hydrocarbons. Confirmation samples were not collected from the east side of the excavation. It was assumed that contamination exceeding MTCA Method A cleanup levels extended under the highway right-of-way. A map of the remediation area is available as Appendix 6.3.

2.3 Cleanup Levels

At the time of the remedial action, the MTCA Method A cleanup level for TPH-D in soil was 200 ppm and the cleanup level for TPH-O in soil was 200 ppm. In 2001, Ecology changed the MTCA Method A cleanup level for TPH-D in soil to 2,000 ppm and TPH-O in soil to 2,000 ppm. WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels”.

In this case, MTCA Method A cleanup levels have been raised substantially. The new higher cleanup levels will be applied to the Site, and the remedial actions taken at the Site are not impacted by this change.

2.4 Points of Compliance

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

2.5 Restrictive Covenant

Following remediation, a Restrictive Covenant was recorded for the Site in 2000. The Restrictive Covenant imposes the following limitations:

1. The owner shall not alter, modify, or remove the property in any manner that may result in the release or exposure of contaminated soil.
2. Any activity that may interfere with the integrity of the remedial action is prohibited.
3. Any activity that will result in the release of a hazardous substance that remains on the property as part of the remedial action is prohibited.
4. The owner or successor owner of the Site must give written notice of intent to convey any interest in the Site.
5. The owner must restrict leases to uses consistent with the restrictive covenant.
6. The owner must get written approval from Ecology to use the property in a manner inconsistent with the restrictive covenant.
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.

The Restrictive Covenant is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the site visit conducted on October 22, 2008, the asphalt cover at the Site continues to eliminate exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a retail store and gas station. A photo log is available as Appendix 6.5.

As a result of changes to MTCA Method A cleanup levels for TPH-D and TPH-O in 2001, several of the confirmation samples collected from the Site are no longer above MTCA Method A cleanup levels. However, samples were not collected from the east wall of the excavation. Because contamination was detected in the excavation at concentrations up to 9,000 ppm TPH-O, soils with TPH-O concentrations higher than MTCA Method A cleanup levels are likely still present at the Site. The asphalt surface continues to prevent human exposure to this contamination by ingestion and direct contact with soils.

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long-term integrity of the Site surface.

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

Cleanup levels at the Site were based on regulatory standards rather than calculated risk for chemicals and/or media. These standards continue to be protective of site-specific conditions.

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

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

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

Contamination likely remains at the site above MTCA Method A cleanup levels and the cleanup action is still protective of human health and the environment.

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

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the Site; however, under WAC 173-340-740(6)(f), the cleanup action is determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies in WAC 173-340-360(8) have been met.
- The Restrictive Covenant for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.
- Additional soil sampling under the highway right-of-way may reveal that contamination is no longer present at concentrations exceeding MTCA Method A cleanup levels. If contamination is no longer present, a restrictive covenant may no longer be required for the Site.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant have been satisfactorily completed. No additional remedial 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 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

Hammond, Collier and Wade-Livingstone Associates, Inc. 1996. Site Characterization Investigation of Reported Leaking Underground Storage Tank.

Hammond, Collier and Wade-Livingstone Associates, Inc. 1997. Independent Remedial Action Report.

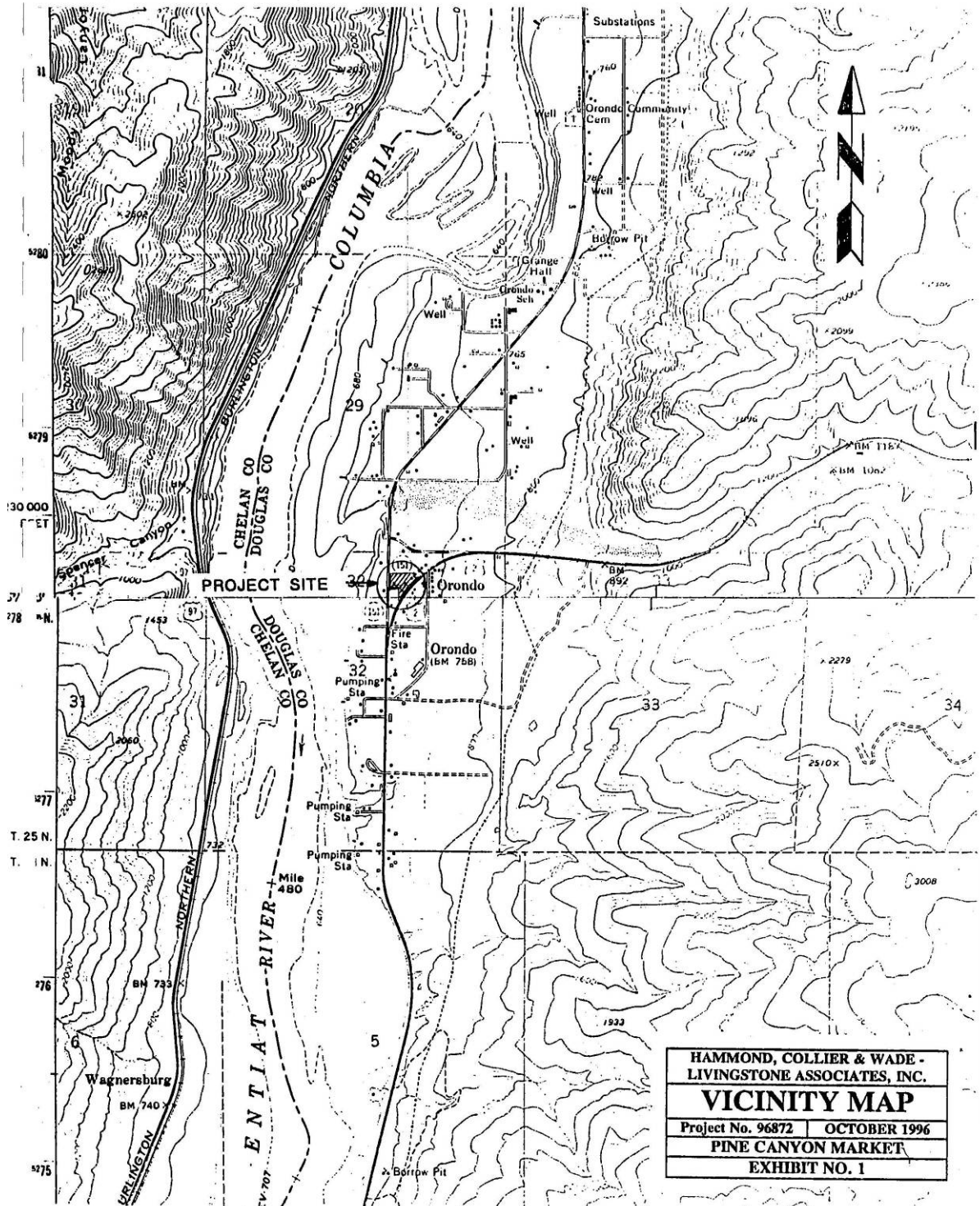
Rob's Demolition. 1997. Site Assessment Results and Independent Cleanup Action Report.

Ecology, 2000, Restrictive Covenant

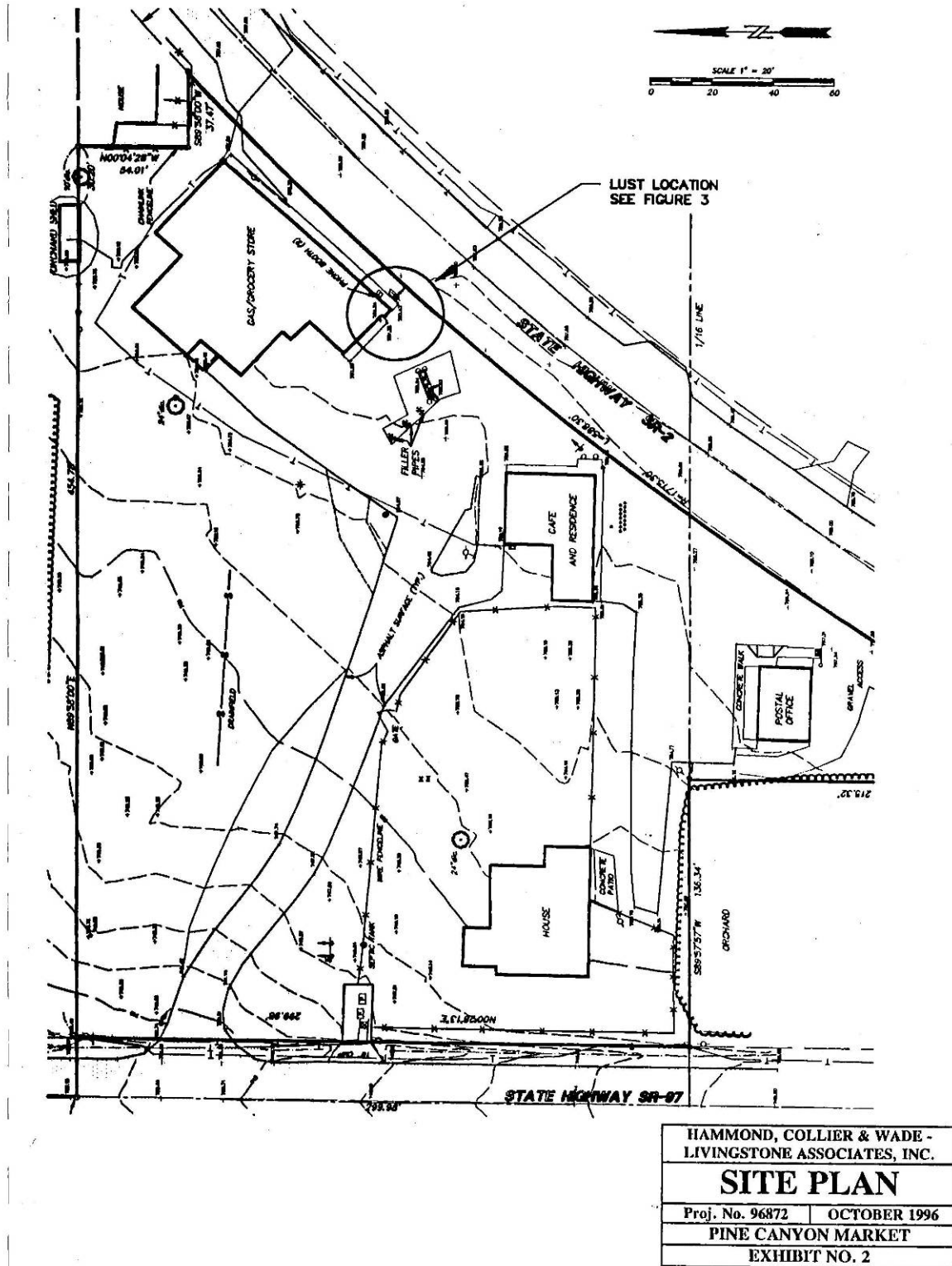
Ecology, 2008, Site Visit

6.0 APPENDICES

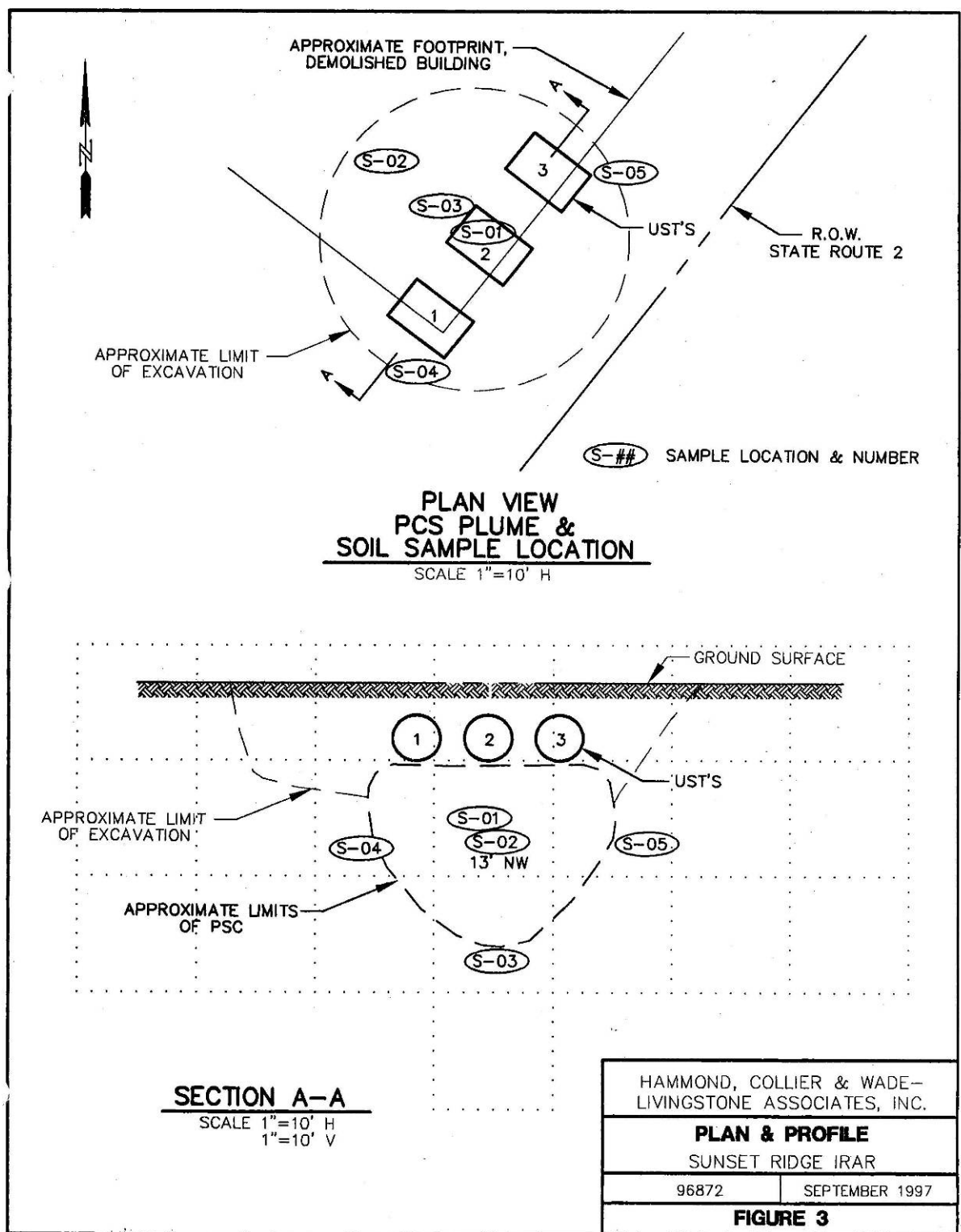
6.1 Vicinity Map



6.2 Site Plan



6.3 Remediation Area



6.4 Environmental Covenant

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RESTRICTIVE COVENANT

DANIEL AND MELODY BRENNAN
ORONDO MARKET
ORONDO, WASHINGTON

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Daniel and Melody Brennan, and 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 is described in the following document: Independent Remedial Action Report, prepared for Dan and Melody Brennan, August 1997 by Hammond, Collier & Wade-Livingstone Assoc., Inc. Project No. 96872. This document is on file at the Department of Ecology.

This Restrictive Covenant is required because excavation to the east of the subject property was limited during the clean up by the state highway right-of way.

The undersigned, Daniel and Melody Brennan, are the fee owners of real property (hereafter "Property") in the County of Douglas, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: Junction of US Route 2 and US Route 97 in Orondo, in the NW 1/4 of the NE 1/4, Section 32, Township 25 N, Range 21 E, W.M., Douglas County.

Daniel and Melody Brennan 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 located on the highway right-of-way may contain diesel and heavy oil concentrations. The owner shall not alter or modify this area 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 of the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

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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 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 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.


Daniel Brennan


Melody Brennan

June 14, 1999
Date Signed

6.5 Photo log

Photo 1: Front of Facility - from the southeast



Photo 2: Former Tank Area - from the southeast



Photo 3: Former Market Place and Tank Location - from the northwest



Photo 4: Bank and Post Office Southeast of Former Tank Area – from the northwest

