



## **PERIODIC REVIEW**

**Columbia East Business Park  
FS ID#: 39932727**

**Commercial Avenue  
Pasco, Washington 99301**

**Eastern Regional Office**

**TOXICS CLEANUP PROGRAM**

**February 2010**

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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 Columbia East Business Park site (Site) located on Commercial Avenue in Pasco, Franklin County, Washington. 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). MTCA Method C cleanup levels were used for the Site, which require the implementation of institutional controls. The MTCA Method C cleanup levels for soil are established under WAC 173-340-745(5). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- Whenever the department conducts a cleanup action.
- Whenever the department approves a cleanup action under an order, agreed order or consent decree.
- Or, as resources permit, whenever the department issues a no further action opinion,
- 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, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site.
- (b) New scientific information for individual hazardous substances of mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SITE SUMMARY**

### **2.1 Site History**

The Columbia East Business Park Site is located in the City of Pasco in Franklin County, Washington (Vicinity Map - Appendix 6.1). It was determined that MTCA Method C cleanup levels would be used at the Site, and no remedial action would be required at the Site if institutional controls were implemented for the property. A Restrictive Covenant was recorded for the property in 2001, and Ecology issued a no further action determination. No additional remedial actions were required for the Site.

The Site is located on Commercial Avenue in Pasco, within the Columbia East Commercial Park. The Site is owned by the City of Pasco and is currently undeveloped. During a Phase I Environmental Site Assessment (ESA), it was discovered that a portion of the property may have been associated with or near an abandoned solid waste landfill. The landfill reportedly operated during the 1940s and early 1950s, and used controlled burning for the disposal of solid waste. There are no known disposal records, but it appears that typical municipal solid waste was disposed in the landfill. Review of historical aerial photographs appears to indicate that the landfill was located west of the Site.

The Site is located within the Corporate Limits of the City of Pasco. The city 20-year master development plan designates this property and all other properties within the Columbia East Commercial Park as Light Industrial Development. Portions of the commercial park are currently occupied by commercial tenants. Developed properties within the commercial park are required to connect to existing potable water and sanitary waste water disposal systems operated by the City of Pasco. Adjacent properties are zoned either light industrial or general business.

### **2.2 Site Investigations**

During the ESA, solid waste debris was identified on the surface of the property. As a result, investigative excavation was conducted in near surface soils to determine the extent of solid waste. Fragments of glass, pottery, and small pieces of melted glass were observed during excavation to a depth of approximately 5 feet. Three soil samples were collected during these activities and analyzed for volatile and semivolatile organic compounds and metals. Results indicated concentrations of arsenic, cadmium, lead, and chrysene in soil exceeding Method A or Method B cleanup levels. However, all sample results for arsenic, cadmium, and chrysene were below Method C Industrial soil levels. Two soil samples exceeded the Method C Industrial soil level of 1000 milligrams per kilogram (mg/kg) for lead (1350 and 1950 mg/kg, respectively). One of these soil samples was also analyzed for leachable lead; results indicated that the lead was non-leachable.

Additional soil samples were collected in a grid pattern where the ESA Phase I results indicated potential contamination may exist. Thirty-eight 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 that 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 industrial cleanup level.

Ecology's Statistical Guidance was applied to the data. This guidance states that a site meets state cleanup levels if less than 10 percent of the samples contain concentrations of contaminants that exceed cleanup levels, and none are more than two times the cleanup level. Of the 41 soil samples collected, two samples exceeded the industrial level of 1000 mg/kg for lead, which was less than 10 percent of total samples. The highest concentration of lead was 1950 mg/kg, which was less than two times the industrial cleanup level for lead in soil. Based on these results, it was determined that the Site met MTCA Method C cleanup levels.

### **2.3 Restrictive Covenant**

Due to the use of MTCA Method C cleanup levels at the Site, institutional controls in the form of a Restrictive Covenant are required for the Site to be eligible for a no further action determination. A Restrictive Covenant was recorded for the property in 2001. The Restrictive Covenant 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 Restrictive 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 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.
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.

The Restrictive Covenant is available as Appendix 6.3.

### **3.0 PERIODIC REVIEW**

#### **3.1 Effectiveness of completed cleanup actions**

Based upon the Site visit conducted on February 3, 2010, the Site remains vacant and undeveloped. The majority of the Site is covered with native shrubs and grasses. Site access remains unrestricted to the public. A photo log is available as Appendix 6.4.

The Restrictive Covenant was recorded with Franklin County and remains active. The Restrictive Covenant restricts land use to industrial purposes and prohibits activities that will expose or release hazardous materials contained in soil at the Site.

Contamination remains at the Site above MTCA Method A cleanup levels, but below MTCA Method C cleanup levels. Institutional controls, in the form of a Restrictive Covenant, are sufficient to protect human health and the environment from contamination remaining at the Site.

#### **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 remaining at the Site.

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

There are no new state or federal laws governing the contaminants remaining at the Site.

#### **3.4 Current and projected Site use**

The Site remains vacant. It is currently for sale and available for development, but there are no imminent plans. Zoning requires that any future use will be industrial in nature.

#### **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**

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The analytical methods used at the time of the remedial action were capable of detection below MTCA Method C 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.
- Concentrations of contaminants of concern at the Site remain below MTCA Method C cleanup levels. The use of MTCA Method C cleanup levels requires the implementation of institutional controls at the Site, which is being met by the use of a Restrictive Covenant to limit property use.
- The Restrictive Covenant for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant are being satisfactorily met. 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 conditions of the Restrictive Covenant are being followed.

### **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

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

Ecology. *VCP Review for Columbia East Business Park*. January 24, 2000.

Ecology. *Restrictive Covenant*. February 28, 2001.

Ecology. *No Further Action Determination*. March 7, 2001.

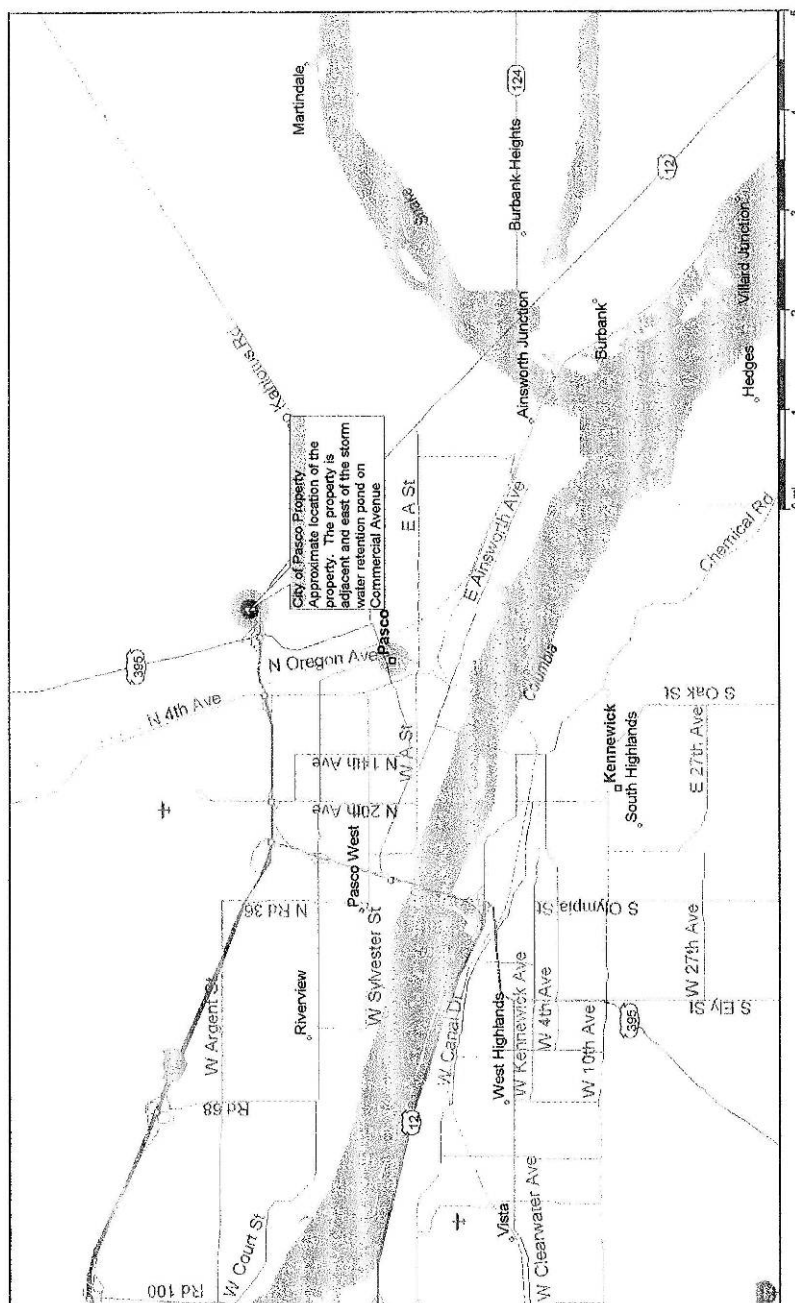
Ecology. *Site Visit*. July 28, 2009.



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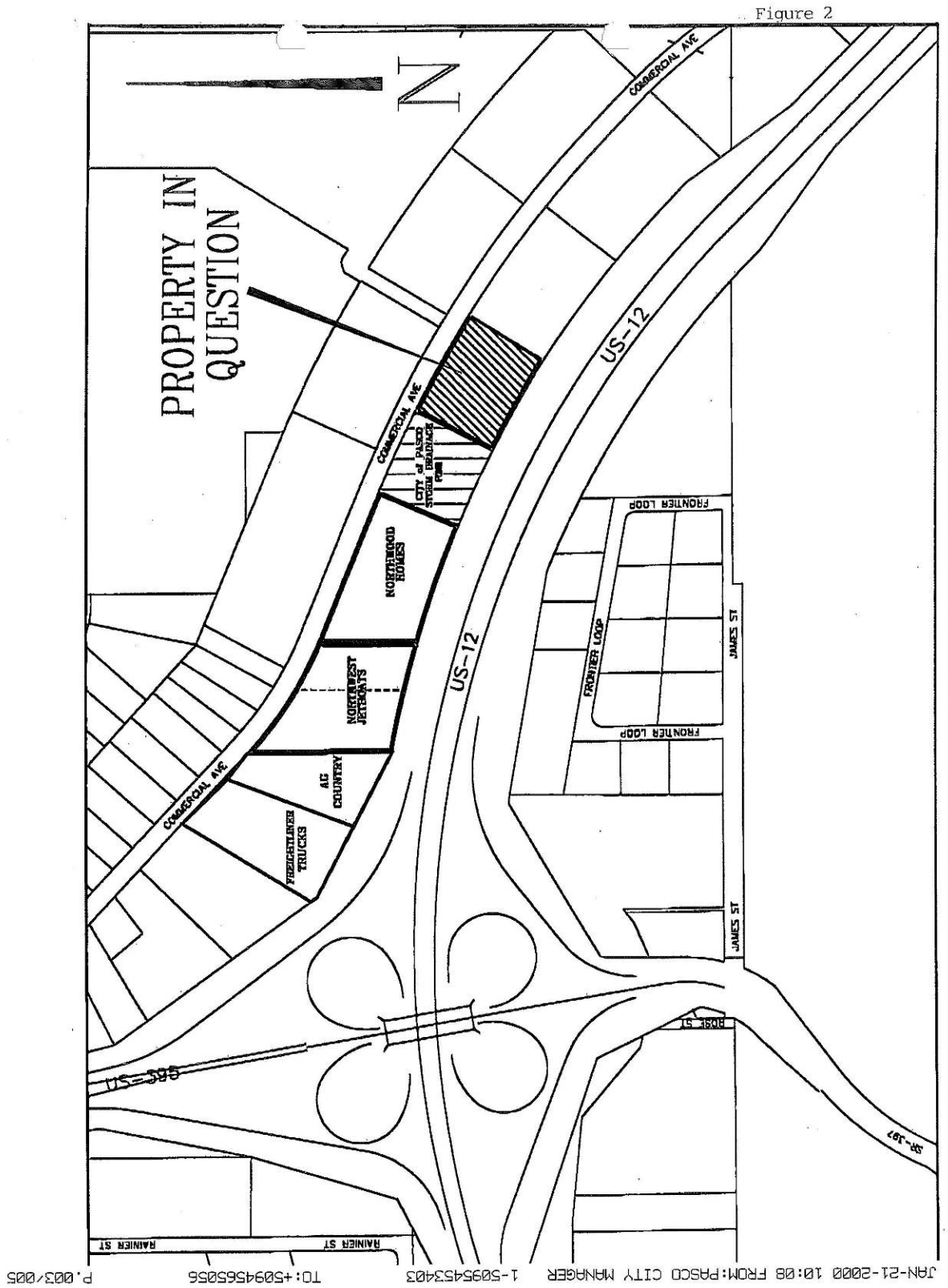
## **6.0 APPENDICIES**

**LOCATION OF THE CITY OF PASCO PROPERTY  
COMMERCIAL AVENUE, PASCO WASHINGTON**

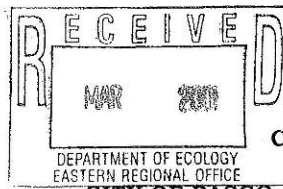


**SCM**  
**Consultants, Inc. - Architects & Engineers**

## 6.2 Site Plan



### 6.3 Restrictive Covenant



#### RESTRICTIVE COVENANT COLUMBIA EAST COMMERCIAL PARK

CITY OF PASCO, A WASHINGTON MUNICIPAL CORPORATION ("City")

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (1) (f) and (g) and WAC 173-340-440 by the City, 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 documents:

Determination of Soil Cleanup Level for a Parcel of Property located in the Columbia East Commercial Park, Section 21, Township 9 North, Range 30 East, W.M.: SCM Consultants, Inc., October 28, 1998.

City of Pasco Property in the Columbia East Commercial park, Pasco, Washington: SCM Consultants, Inc., June 16, 1999.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of lead, arsenic, cadmium, and chrysene which exceed the Model Toxics Control Act Methods A and B Residential Cleanup Levels for soil established under WAC 173-340-740.

The City, is the fee owner of real property (hereafter "Property") in the County of Franklin, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

The City 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. 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 Restrictive Covenant.

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 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.

2-22-01  
Date

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF FRANKLIN )

I certify that I know or have satisfactory evidence that Gary Cutchfield is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 22<sup>nd</sup> day of February, 2001.

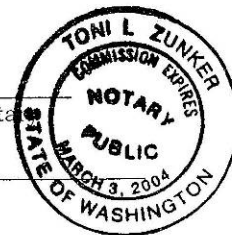
Signature of Notary

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Print or stamp name of Notary \_\_\_\_\_

Notary Public for the State of Washington, residing at: Kennel

My appointment expires: 3/3/04





**Attachment A**

**(Property Legal Description)**

**Franklin County Assessor's Parcel No. 113-520-327**

**Lot 1, Binding Site Plan 99-03, Franklin County, Washington**

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## 6.4 Photo log

**Photo 1: Vacant Subject Property – from the southeast**



**Photo 2: Across Commercial Avenue from Subject Property – from the northwest**





**Photo 3: Typical Business Park Structure Across from Subject Property - from the southwest**

