



PERIODIC REVIEW

**Tiger Oil – 24th and Nob Hill
F/S ID#: 469**

**2314 West Nob Hill Boulevard
Yakima, Washington 98902**

Central Region Office

TOXICS CLEANUP PROGRAM

April 2009

PERIODIC REVIEW	1
1.0 INTRODUCTION.....	1
2.0 SUMMARY OF SITE CONDITIONS.....	2
2.1 Site Description and History	2
2.2 Regulatory Activity.....	2
2.3 Remedial Activities.....	3
2.4 Cleanup Levels.....	4
2.5 Points of Compliance	4
2.6 Groundwater Monitoring	5
2.7 Restrictive Covenant.....	5
3.0 PERIODIC REVIEW	6
3.1 Effectiveness of completed cleanup actions	6
3.2 New scientific information for individual hazardous substances for mixtures present at the Site	6
3.3 New applicable state and federal laws for hazardous substances present at the Site	6
3.4 Current and projected site use.....	7
3.5 Availability and practicability of higher preference technologies	7
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels	7
4.0 CONCLUSIONS	8
5.0 REFERENCES.....	9
6.0 APPENDICIES	10
6.1 Vicinity Map	11
6.2 Site Plan	12
6.3 Groundwater Monitoring Data.....	13
6.4 Environmental Covenant	17
6.5 Photo log	24

1.0 INTRODUCTION

This document is the Department of Ecology's review of site conditions and monitoring data to assure that human health and the environment are being protected at the Tiger Oil property located at 24th Avenue and Nob Hill Boulevard (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup actions at this Site are being conducted under consent decree No. 02-2-00956-2. The cleanup actions have resulted in residual concentrations of gasoline range petroleum hydrocarbons (TPH-G) and volatile organic compounds (VOCs) exceeding MTCA Method A cleanup levels for soil and groundwater established under WAC 173-340-740(2). The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). 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;
- (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; 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 Description and History

The Tiger Oil Site is located at the southeast corner of the intersection of West Nob Hill Boulevard and South 24th Avenue in the City of Yakima, Yakima County, Washington. The Site includes the former Tiger Mart retail store property, monitoring wells and recovery wells, and any other areas where hazardous substances have come to be located. This also includes the soil, groundwater, and petroleum-contaminated water in the Yakima County Drainage Improvement District storm drain line #4; the Safeway Shopping Center parking lot located in the eastern and southeastern portions of the Site; the Beer Shoppe (formerly the Ted Brown Music Co.) property located to the south of the Tiger Malt property; and the Xochimilco Restaurant (formerly the Skipper's restaurant) property located to the east of the Tiger property. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

In April 1981, an explosion occurred in the Yakima County Drainage Improvement District (DID) line beneath the parking lot which triggered an initial search for released fuel from the Site. The explosion resulted from the presence of explosive levels of gasoline vapors which accumulated in and around the DID line.

Tank and line testing conducted by Tiger Oil Company in September 1982 showed a leaking pipe to a regular leaded gasoline dispenser at the station. Further assessment and separate phase hydrocarbon (SPH) recovery was performed at the Site by Crowley (September 1982 to March 1983), Fuel Recovery Company (April 1983 to April 1985), and Soil Exploration Company (May 1985 to September 1985). In January 1983, another leak was discovered in a riser leading to a regular leaded gasoline dispenser. In May 1983, an independent claims adjuster estimated that 20,000 gallons of product was released at the Site. By March 1984, approximately 16,000 gallons of product were reported recovered from the Site.

2.2 Regulatory Activity

In October 1982, a Notice of Violation and Enforcement Order was issued by Ecology under the oil spill provisions of the Water Pollution Control Act (RCW 90.48) in response to the discovery of gasoline product line leaks which resulted in the accumulation of gasoline vapors in the DID line. This order triggered initial product recovery and remedial activities at the Site.

In March 1990, Ecology issued Enforcement Order No. DE90-C140 to Tiger Oil Corporation requiring site stabilization and a Remedial Investigation/Feasibility Study (RI/FS). Later, Ecology amended the enforcement order to include Tiger Oil Company (Tiger), Federated Mutual Insurance Company, and M & E Company. Assessment work had been conducted in the Safeway Parking Lot in 1989 and 1990 by GeoTech Consultants for M & E Company.

From 1990 to 1994, Kleinfelder performed site stabilization activities including SPH recovery and monitoring. Kleinfelder completed the RI/FS in March 1994. The RI/FS report included results of aquifer, vapor extraction, and air sparging tests.

In August 1994, Ecology issued Enforcement Order No. DE 94TC-C432 requiring interim remedial action at the Site. Clearwater Group Inc. was retained by Tiger Oil Corporation and Federated Insurance to provide these interim actions. In March 1995, an interim remediation system began operating in a portion of the adjacent Safeway Parking Lot.

In September 1998, Ecology issued Enforcement Order No. DE 98TC-C166 to all PLPs requiring the planning and implementation of a final cleanup action at the Site. On October 30, 1998, Foster Wheeler Environmental Corporation (Foster Wheeler) submitted a draft Cleanup Action Plan (CAP) to Ecology for the Tiger Oil Site on behalf of the Tiger Oil Corporation. This draft CAP focused on remediation through the use of hydrogen peroxide at the site and did not adequately address removal of free product onsite and was therefore not accepted by Ecology.

Negotiations with Ecology for further remedial actions were largely unsuccessful from 1998 until 2004. The Tiger Mart occupying the Site was closed in 2001 and has remained vacant since that time. Two other buildings at the Site, referred to as the former Ted Brown Music Building (the Beer Shoppe) and the former Skippers (Xochimilco Restaurant) Building, remain occupied by retail businesses unrelated to petroleum sales.

In October 2004, Ecology entered into Consent Decree (CD) No. 02-2-00956-2 with Tiger Oil Corporation with the purpose of providing for remedial action at the Site. This CD required Tiger Oil to conduct the remedial action detailed in a CAP negotiated with Ecology.

2.3 Remedial Activities

Remedial activities began at the Site in 1982. Following the fuel release in 1982, Crowley Environmental (Crowley) was contracted by Zaremba Claims Service to begin remediation activities. Crowley installed several recovery wells and a vapor venting system. The recovery wells collected up to 1500 gallons of gasoline per month from October 1982 through March 1983. In April 1983, Fuel Recovery Company began operating the treatment system. Fuel recovery gradually decreased until late 1984, when only 2 gallons was recovered between December 6, 1984 and January 25, 1985. Though some of the early remediation records are hand written and difficult to decipher, it was determined that approximately 16,000 gallons of gasoline were recovered during these initial remediation efforts.

Operation of a second interim remediation system began in August 1995. Clearwater Group, Inc., oversaw design, installation, and operation of the system until May 1997 when Tiger Oil Corporation hired QUEST, who oversaw system operation until April 1998. Foster Wheeler operated the system from 1998 until 2003, followed by Tetra Tech until 2005, and Wayne Perry, Inc., until the system was shut down in 2006. The system was shut down occasionally throughout this time period for repairs or due to cold weather conditions that required the system to be drained to prevent freeze damage.

The interim remediation system was installed as a method of preventing off-site migration of SPH. The system consists of two trenches fitted with vacuum equipment designed to extract groundwater and soil vapors from the subsurface and transport them to an on-site treatment system. The treated water was discharged into the municipal sanitary sewer system and vapors were vented to the atmosphere.

At the time the system was shut down in 2006, over 22 million gallons of groundwater had been treated and were discharged to the City of Yakima sanitary sewer. According to the May 1997 report by Clearwater, Inc., 1843 pounds of petroleum hydrocarbons were calculated to have been removed by the treatment system by 1997. 1750 pounds were recovered by the soil vapor extraction (SVE) system and the remaining 93 pounds were recovered by the groundwater extraction system. Estimates of petroleum hydrocarbon recovery were not provided from 1997 until the system was shut down in 2006. An additional 100 gallons of free product were removed by hand bailing from wells not connected to the treatment system.

Per the CAP that was associated with the CD in 2004, the underground storage tanks (USTs), dispensers, and all associated piping were removed in late 2004. Contaminated soils that were encountered during the UST removal was excavated and disposed of offsite. The SVE system was never connected to a system installed on the adjacent Mercy property, which was required as part of a separate CD between Tiger Oil Corporation, Ecology, and Mercy.

Currently, no remedial activities are being conducted at the Site. The SVE system is awaiting restart. According to the most recent monitoring report from G-Logics, a pilot test of the expanded SVE system is scheduled in the near future. Further testing or operation cannot proceed without installation of Best Available (emission) Control Technology (BACT) to treat extracted vapors for gasoline volatile hydrocarbons before venting to the air.

2.4 Cleanup Levels

MTCA Method A cleanup levels are used for soil and groundwater at the Site. Reasoning for using these cleanup levels at the Site is as follows:

WAC 173-340-720(1) (a) states, "Ground water cleanup levels shall be based on estimates of the highest beneficial use and the reasonable maximum exposure expected to occur under both current and potential future site conditions."

Due to private wells in the area, and the fact that groundwater discharges into the DID line and then to surface water in Wide Hollow Creek, there is potential in the future for groundwater at the Site to be used for ingestion or other domestic uses. There is also potential for humans to be exposed to this groundwater. Therefore, MTCA Method A cleanup levels were chosen for the Site.

2.5 Points of Compliance

For groundwater, specific conditional points of compliance for the Site are set at KMW-14, KMW-16, KMW-24 and MWG-2, and the waters in DID line #4 in the CD and CAP.

For soil cleanup levels based on the protection of groundwater, the point of compliance is soils throughout the site. Points of compliance for the Site include all areas where contaminants have come to be located.

2.6 Groundwater Monitoring

Groundwater sampling has been conducted at this site since July 1992, with most of this sampling work occurring on a quarterly basis. Since 2004, sampling has been limited to recording groundwater surface elevation and presence of free product in informational wells, and chemical testing only at the Conditional Point of Compliance wells. The last sampling event was conducted in January 2009 by G-Logics.

In January 2009, MW-7 contained 1.06 feet of gasoline, MW-11 contained 0.31 feet of gasoline, and MW-9 contained 0.02 feet of gasoline. Water samples were not collected from any of these wells. Of the four wells and the DID line from which water sample were collected, only KMW-24 contained detectable contamination. Benzene was detected in KMW-24 at 10.5 micrograms per liter (ug/L) and in KMW-16 at 5.0 ug/L in January 2009. The MTCA Method A cleanup level for benzene is 5 ug/L. Groundwater sampling data is available as Appendix 6.3.

2.7 Restrictive Covenant

A Restrictive Covenant was recorded for the Site in 2005. The Restrictive Covenant imposes the following limitations:

1. No groundwater may be taken for domestic use from the property.
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 or successor owner shall grant Ecology the right to enter the site at reasonable times.
6. 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

Cleanup actions at the Site have included the following:

- Installation and operation of product recovery wells
- Installation and operation of a soil vapor extraction system
- Remedial excavation during UST system decommissioning

Cleanup actions began at the Site in 1982. Twenty-seven years have elapsed, and the Site still contains non-aqueous phase contamination in the form of gasoline on the groundwater surface. Initial remedial actions were effective in removing large quantities of gasoline from soil and groundwater, but efforts after 1997 have been largely ineffective at removing remaining contamination. No active remedial measures have occurred at the site since August 2006.

Based on the site visit conducted on April 6, 2009, the treatment system remains inactive. Several wells at the Site and in the adjacent Safeway parking lot did not have monument lids, and the many other wells did not have bolts securing their lids. Locks were not present on any of the well casing caps. The majority of the Site is covered in asphalt, with significant cracking in some areas. The cracked asphalt does not pose a threat of exposure to contamination, but it allows surface water infiltration which may help spread remaining contamination.

Cleanup actions at the Site are currently dictated by the CAP which was identified in CD No. 02-2-00956-2 from October 2004. The purpose of the CD and CAP was to remediate the Site until concentrations of contaminants of concern were below Site cleanup levels. This purpose has not been served. Cleanup actions at the Site have reduced, but not eliminated risk to human health and the environment.

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits the extraction of groundwater for domestic use and 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.

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

MTCA Method A cleanup levels are still being used at the Site. These levels have not changed since remedial activities began under the CAP in 2004.

3.4 Current and projected Site use

Based on a site visit conducted on April 6, 2009, the Tiger Mart Store remains vacant and the Beer Shoppe and Xochimilco Restaurant buildings remain occupied.

The site remains 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 in situ free product recovery, limited remedial excavation, and soil vapor extraction. These methods have failed to be protective of human health and the environment. It is apparent that additional source removal is necessary, as non-aqueous phase gasoline remains at the surface of groundwater at the Site. Groundwater cleanup levels will not be met at the Site in a reasonable time frame until the contaminant source has been removed.

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 for the contaminants of concern. 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 fail to be protective of human health and the environment.
- Soil and ground water cleanup levels specified in the CD have not been met at the Site.
- Additional more aggressive source removal is necessary to ensure soil and/or groundwater cleanup levels are met in a reasonable time frame.
- The Restrictive Covenant for the property is in place. The covenant prevents undue exposure to the contaminants onsite. The covenant is not protective of public safety in the event excavation occurs in soils at or near areas saturated with free-phase gasoline.

Based on this periodic review, the Department of Ecology has determined that the remedial actions at the Site fail to be protective of human health and the environment. The requirements of the Restrictive Covenant are being met at the Site; however additional remedial actions are required by the property owner to meet Site cleanup levels. It is the property owner's responsibility to continue to inspect the Site to assure that the requirements of the Restrictive Covenant are being met.

5.0 REFERENCES

Ecology, Site visit, April 1, 2009

G-Logics, October 2008 Quarterly Monitoring Report for Tiger Oil Corporation,
November 18, 2008

Ecology, Restrictive Covenant, February 7, 2005

Ecology, Consent Decree No. 02-2-00956-2, October 29, 2004

Foster Wheeler Environmental Corporation, Results of Groundwater Monitoring
December 18, 2003

Ecology, Enforcement Order No. DE 02TCPCR-3589, March 13, 2002

Andrus, Beth, Letter Re: Tiger Oil Site, February 15, 2002

Ecology, Enforcement Order No. DE 98TC-C166, September 24, 1998

Quality Environmental Services Team, Inc., Continued Interim Remedial Action Plan
For Tiger Oil Corporation, June 30, 1997

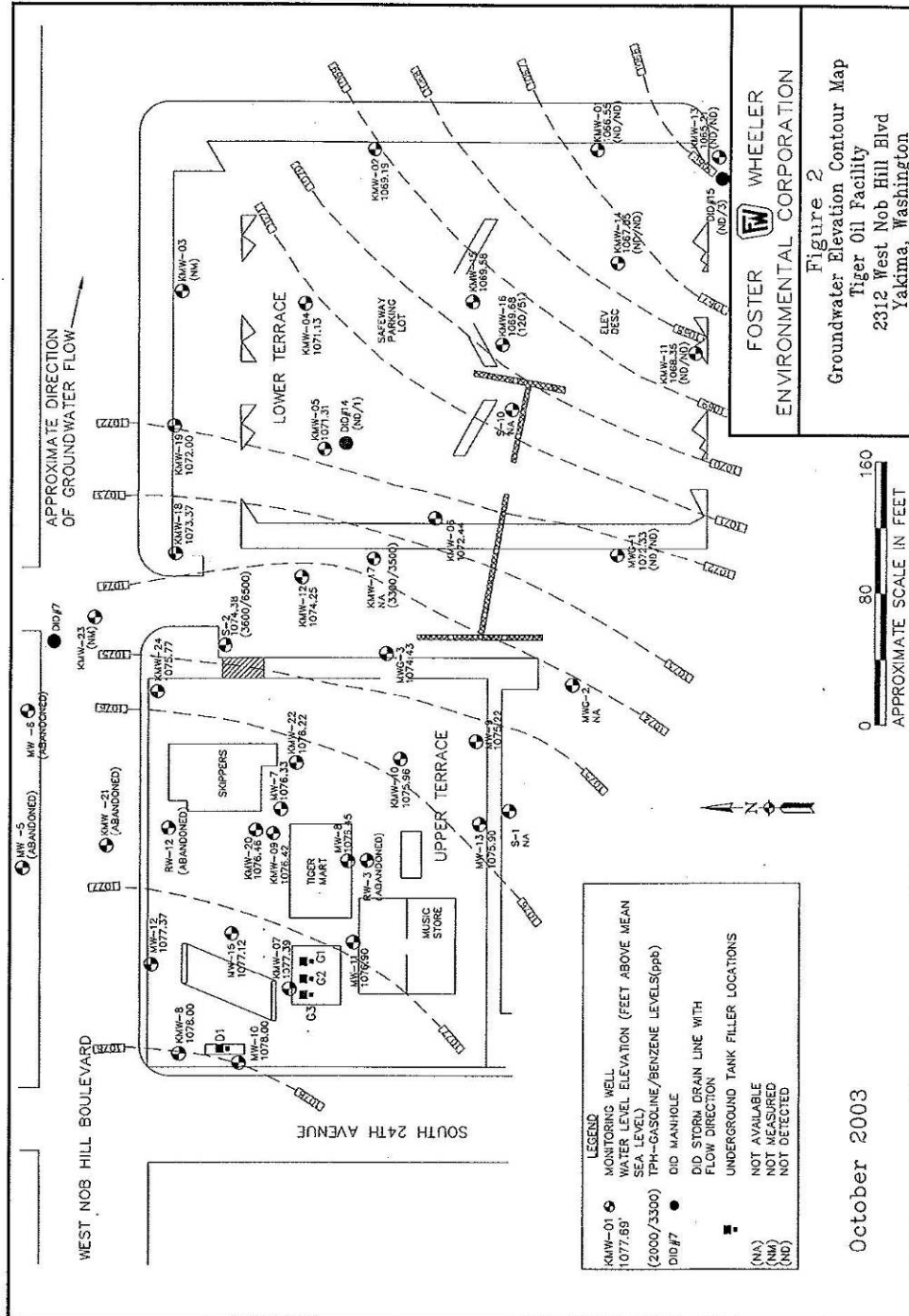
Ecology, Enforcement Order No. DE 94TC-C432, September 27, 1994

Ecology, Enforcement Order No. DE 90-C140, June 27, 1990

Fuel Recovery Company, Progress Report #4, April 19, 1984

6.0 APPENDICIES

6.2 Site Plan



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PLOT/DATE: DEC 03 2003 08:57:50

6.3 Groundwater Monitoring Data

Table 1
Groundwater Elevations and SPH Thickness
Tiger Oil Facility
2312 West Nob Hill Blvd.
Yakima, Washington

Well	Casing Elevation (feet- MSL)	Date	Depth measurements		SPH Thickness (feet)	Groundwater Elevations ** (feet- MSL)	Comments
			Water (feet)	SPH (feet)			
MW-11	1089.03	10/22/04	12.47	N/A	N/A	1076.56	Sheen
		03/30/05	15.25	13.98	1.27	1073.78	
		07/20/05	13.37	13.18	0.19	1075.66	
		10/25/05	12.93	NP	0.00	1076.10	
		02/10/06	13.90	13.7	0.20	1075.13	
		05/17/06	13.96	13.77	0.19	1075.07	
		08/10/06	13.51	NP	0.00	1075.52	
		03/28/07	14.39	13.85	0.54	1074.64	
		07/07/07	12.87	12.84	0.03	1076.16	
		10/24/07	12.43	NP	0.00	1076.60	
		03/05/08	14.01	13.87	0.14	1075.02	
		07/25/08	13.14	12.93	0.21	1075.89	
		10/16/08	12.74	NP	0.00	1076.29	
01/20/09	14.13	13.82	0.31	1074.90			
MW-12	1088.67	10/22/04	11.57	N/A	N/A	1077.10	
		03/30/05	13.37	N/A	N/A	1075.30	
		07/20/05	11.38	NP	0.00	1077.29	
		10/25/05	12.06	NP	0.00	1076.61	
		02/10/06	12.94	NP	0.00	1075.73	
		05/17/06	12.93	NP	0.00	1075.74	
		08/10/06	12.60	NP	0.00	1076.07	
		03/28/07	13.10	NP	0.00	1075.57	
		07/07/07	11.95	NP	0.00	1076.72	
		10/24/07	11.59	NP	0.00	1077.08	
		03/05/08	13.05	NP	0.00	1075.62	
		07/25/08	12.06	NP	0.00	1076.61	
		10/16/08	11.88	NP	0.00	1076.79	
01/20/09	13.03	NP	0.00	1075.64			
MW-15	1087.94	10/22/04	11.24	N/A	N/A	1076.70	Sheen
		03/30/05	13.20	N/A	N/A	1074.74	
		07/20/05	12.50	NP	0.00	1075.44	
		10/25/05	11.62	NP	0.00	1076.32	
		02/10/06	12.47	12.42	0.05	1075.47	
		05/17/06	12.48	12.44	0.04	1075.46	
		08/10/06	12.17	NP	0.00	1075.77	
		03/28/07	12.61	NP	0.00	1075.33	
		07/07/07	11.50	NP	0.00	1076.44	
		10/24/07	11.14	NP	0.00	1076.80	
		03/05/08	12.59	NP	0.00	1075.35	
		07/25/08	11.67	11.63	0.04	1076.27	
		10/16/08	11.44	NP	0.00	1076.50	
01/20/09	12.57	NP	0.00	1075.37			

Table 1
Groundwater Elevations and SPH Thickness
Tiger Oil Facility
2312 West Nob Hill Blvd.
Yakima, Washington

<u>Well</u>	<u>Casing Elevation</u> (feet- MSL)	<u>Date</u>	<u>Depth measurements</u>		<u>SPH Thickness</u> (feet)	<u>Groundwater Elevations **</u> (feet- MSL)	<u>Comments</u>
			Water (feet)	SPH (feet)			
MW-7	1086.71	10/22/04	10.50	N/A	N/A	1076.21	Sheen
		03/30/05	14.25	11.78	2.47	1072.46	
		07/20/05	12.00	11.13	0.87	1074.71	
		10/25/05	11.12	10.92	0.2	1075.59	
		02/10/06	12.86	11.43	1.43	1073.85	
		05/17/06	12.89	11.56	1.33	1073.82	
		08/10/06	11.77	11.6	0.17	1074.94	
		03/28/07	12.29	11.93	0.36	1074.42	
		07/07/07	11.01	10.93	0.08	1075.70	
		10/24/07	10.65	10.6	0.05	1076.06	
		03/05/08	12.08	11.91	0.17	1074.63	
		07/25/08	11.19	11.03	0.16	1075.52	
		10/16/08	10.94	10.88	0.06	1075.77	
		01/20/09	12.80	11.74	1.06	1073.91	
MW-9	1087.9	10/22/04	13.03	N/A	N/A	1074.87	Sheen
		03/30/05	14.77	N/A	N/A	1073.13	
		07/20/05	13.74	NP	0.00	1074.16	
		10/25/05	13.46	NP	0.00	1074.44	
		02/10/06	14.11	NP	0.00	1073.79	
		05/17/06	14.32	NP	0.00	1073.58	
		08/10/06	13.95	NP	0.00	1073.95	
		03/28/07	14.34	NP	0.00	1073.56	
		07/07/07	13.29	NP	0.00	1074.61	
		10/24/07	12.93	NP	0.00	1074.97	
		03/05/08	14.31	NP	0.00	1073.59	
		07/25/08	13.44	13.42	0.02	1074.46	
		10/16/08	13.23	13.21	0.02	1074.67	
		01/20/09	14.31	14.29	0.02	1073.59	
MW-13	1088.3	10/22/04	12.75	N/A	N/A	1075.55	
		03/30/05	14.46	N/A	N/A	1073.84	
		07/20/05	13.42	NP	0.00	1074.88	
		10/25/05	13.16	NP	0.00	1075.14	
		02/10/06	13.90	NP	0.00	1074.40	
		05/17/06	14.05	NP	0.00	1074.25	
		08/10/06	13.75	NP	0.00	1074.55	
		03/28/07	14.13	NP	0.00	1074.17	
		07/07/07	13.09	NP	0.00	1075.21	
		10/24/07	12.71	NP	0.00	1075.59	
		03/05/08	14.10	NP	0.00	1074.20	
		07/25/08	13.19	NP	0.00	1075.11	
		10/16/08	12.99	NP	0.00	1075.31	
		01/20/09	14.09	NP	0.00	1074.21	

TABLE 2
Groundwater/DID Sample Analysis, NWTPH-Gx and BTEX (1), Units in ug/L
Tiger Oil Facility Yakima, WA

Well ID	Sampling Date	NWTPH-Gx (Gasoline- range)	Benzene	Toluene	Ethylbenzene	Xylenes	Temperature (Degrees C)	DO (mg/L)	pH
KMW-14	10/22/2004	nd	nd	nd	nd	nd	--	--	--
	3/30/2005	200	nd	nd	nd	nd	15.0	2.46	--
	7/20/2005	nd	nd	nd	nd	nd	20.5	4.97	--
	10/25/2005	nd	nd	nd	nd	nd	--	--	--
	2/10/2006	nd	nd	nd	nd	nd	--	--	--
	5/17/2006	nd	3	nd	nd	nd	--	--	--
	8/10/2006	nd	nd	nd	nd	nd	--	--	--
	3/28/2007	310	nd	nd	nd	nd	--	--	--
	7/7/2007	nd	nd	nd	nd	nd	--	--	--
	10/24/2007	nd	nd	nd	nd	nd	--	--	--
	3/5/2008	140	nd	nd	nd	nd	--	--	--
	7/24/2008	nd	nd	nd	nd	nd	15.8	0.43	7.48
	DUP 7/24/2008	nd	nd	nd	nd	nd	--	--	--
	10/15/2008	nd	nd	nd	nd	nd	17.6	0.34	7.59
1/21/2009	190	1.5	nd	nd	nd	16.0	0.19	7.66	
KMW-16	10/22/2004	nd	nd	nd	nd	nd	--	--	--
	3/30/2005	230	74	nd	6	4	15.1	2.76	--
	7/20/2005	nd	nd	nd	nd	nd	18.6	4.99	--
	10/25/2005	68	14	nd	nd	nd	--	--	--
	2/10/2006	130	5	nd	nd	nd	--	--	--
	5/17/2006	88	nd	nd	nd	nd	--	--	--
	8/10/2006	120	15	nd	1	nd	--	--	--
	3/28/2007	180	3	nd	nd	nd	--	--	--
	7/7/2007	190	nd	nd	1	nd	--	--	--
	10/24/2007	150	1	nd	nd	nd	--	--	--
	3/5/2008	87	3	nd	nd	nd	--	--	--
	7/24/2008	100	nd	nd	nd	nd	15.8	2.59	7.62
	10/15/2008	nd	nd	nd	nd	nd	17.7	0.09	7.58
	1/21/2009	180	5	nd	nd	nd	15.9	1.36	7.69
KMW-18	10/22/2004	--	--	--	--	--	--	--	--
	3/30/2005	nd	nd	nd	nd	nd	14.9	3.51	--
	7/20/2005	nd	nd	nd	nd	nd	21.5	5.50	--
	10/25/2005	nd	nd	nd	nd	nd	--	--	--
	2/10/2006	nd	nd	nd	nd	nd	--	--	--
	5/17/2006	nd	nd	nd	nd	nd	--	--	--
	8/10/2006	nd	nd	nd	nd	nd	--	--	--
	3/28/2007	nd	nd	nd	nd	nd	--	--	--
	7/7/2007	nd	nd	nd	nd	nd	--	--	--
	10/24/2007	nd	nd	nd	nd	nd	--	--	--
	3/5/2008	nd	nd	nd	nd	nd	--	--	--
	7/24/2008	nd	nd	nd	nd	nd	17.5	7.83	7.77
	10/15/2008	nd	nd	nd	nd	nd	15.2	6.48	7.80
	1/20/2009	nd	nd	nd	nd	nd	14.3	6.19	7.87

TABLE 2
Groundwater/DID Sample Analysis, NWTPH-Gx and BTEX (1), Units in ug/L
Tiger Oil Facility Yakima, WA

Well ID	Sampling Date	NWTPH-Gx (Gasoline- range)	Benzene	Toluene	Ethylbenzene	Xylenes	Temperature (Degrees C)	DO (mg/L)	pH
KMW-24	4/25/2003	nd	130	nd	7	nd			
	10/22/2004	--	--	--	--	--	--	--	--
	3/30/2005	nd	12	nd	3	nd	15.2	3.86	--
	7/20/2005	nd	10	nd	2	nd	20.7	5.38	--
	10/25/2005	80	27	nd	nd	nd	--	--	--
	2/10/2006	nd	18	1	3	nd	--	--	--
	5/17/2006	nd	13	nd	3	nd	--	--	--
	8/10/2006	nd	34	nd	8	nd	--	--	--
	3/28/2007	nd	19	nd	4	nd	--	--	--
	7/7/2007	100	41	2	9	5	--	--	--
	10/24/2007	650	72	3	14	83	--	--	--
	3/5/2008	50	21	nd	3	nd	--	--	--
	7/24/2008	nd	7.5	nd	3	nd	17.9	7.88	7.65
	10/16/2008	nd	4.4	nd	nd	nd	15.3	6.47	7.82
	1/20/2009	170	10.5	nd	1.5	nd	14.6	5.89	7.87
DUP 1/20/2009	190	10.0	nd	1.5	nd	--	--	--	
MWG-2	10/22/2004	--	--	--	--	--	--	--	--
	3/30/2005	nd	nd	nd	nd	nd	14.9	3.90	--
	7/20/2005	nd	nd	nd	nd	nd	20.5	4.32	--
	10/25/2005	nd	nd	nd	nd	nd	--	--	--
	2/10/2006	nd	nd	nd	nd	nd	--	--	--
	5/17/2006	nd	nd	nd	nd	nd	--	--	--
	8/10/2006	nd	nd	nd	nd	nd	--	--	--
	3/28/2007	nd	nd	nd	nd	nd	--	--	--
	7/7/2007	nd	nd	nd	nd	nd	--	--	--
	10/24/2007	nd	nd	nd	nd	nd	--	--	--
	3/5/2008	nd	nd	nd	nd	nd	--	--	--
	7/24/2008	nd	nd	nd	nd	nd	18.5	7.15	7.75
	10/16/2008	nd	nd	nd	nd	nd	18.6	4.98	7.77
1/21/2009	nd	nd	nd	nd	nd	14.9	5.36	7.94	
DID#15	6/19/2004	nd	9	nd	1	nd			
	10/22/2004	nd	2	nd	nd	nd	--	--	--
	3/30/2005	nd	nd	nd	nd	nd	12.8	3.82	--
	7/20/2005	nd	7	nd	nd	nd	20.4	5.90	7.24
	10/25/2005	nd	3	nd	nd	nd	--	--	--
	2/10/2006	nd	5	nd	nd	nd	--	--	--
	5/17/2006	nd	1	nd	nd	nd	--	--	--
	8/10/2006	nd	15	nd	1	nd	--	--	--
	3/28/2007	nd	nd	nd	nd	nd	--	--	--
	7/7/2007	nd	7	nd	2	nd	--	--	--
	10/24/2007	74	6	nd	nd	nd	--	--	--
	3/5/2008	nd	nd	nd	nd	nd	--	--	--
7/24/2008	nd	nd	nd	nd	nd	--	--	--	
10/16/2008	nd	nd	nd	nd	nd	18.1	7.98	7.88	
1/21/2009	nd	nd	nd	nd	nd	14.4	10.21	8.55	
MTCA Method A Cleanup Level (2)		800(a)	5.0	1,000	700	1,000			

Notes:
 Refer To Site Diagram(s) For Sampling Locations.
 (1) TPH by NWTPH-Gx Methods, BTEX by Method 8021B.
 (2) Method A Groundwater Cleanup Levels (ug/L), MTCA, Amendments Adopted August 2001.*
 * Exceeding These Levels Do Not Necessarily Trigger Requirements For Cleanup Action Under MTCA.
 (a) Groundwater Cleanup Level For Gasoline With No Detectable Benzene is 1,000 ug/L.
 DUP Laboratory Duplicate Sample For QA/QC Purpose.
 N/A Not applicable
 nd Concentration Less Than The Laboratory Method Detection Limit.
 -- Not Analyzed
 27 Bold Number(s) Indicates Concentration Detected.

6.4 Environmental Covenant

Return Address
McCreeedy Law Office, P.C.
3184 Elder Street
Boise, Idaho 83705

Document 1 Title: Restrictive Covenant

Reference #'s: _____
Additional reference #'s on page _____

Grantors: Tiger Oil Corporation

Grantees: _____

Additional grantors on page _____

additional grantees on page _____

Document 2 Title: _____

Reference #'s: _____
Additional reference #'s on page _____

Grantors: _____

Grantees: _____

Additional grantors on page _____

additional grantees on page _____

Legal Description (abbreviated form: i.e. lot, blk, plat or S,T,R quarter/quarter)
S.26, T.13N, R.18, NW'4 NW'4 SE'4 and NW'4 SE'4
Additional legal is on page Attachment A

Assessor's Property Tax Parcel/Account Number
181326-42051-8 AC333

Emergency nonstandard document recording: I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature: _____

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.


7440243
Page: 1 of 7
02/07/2005 03:18P
Yakima Co, WA
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ORIGINAL

Restrictive Covenant for Tiger Oil Corporation Property

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Tiger Oil Corporation (“Tiger”) its successors and assigns, and the State of Washington Department of Ecology (“Ecology”), its successors and assigns.

Pursuant to a Consent Decree entered in *State of Washington v. Tiger Oil Corporation*, Thurston County Superior Court, Cause No. 02-2-00956-2, a remedial action involving the Cleanup Action Plan (the “CAP”) described by that Decree, which includes soil removal, the installation and operation of additional soil vapor extraction lines, if necessary, and continued operation of other remedial measures (the “Remedial Action”) will be implemented on Tiger’s property within the Tiger Oil Site (“Site”) that is described in the Decree. Exhibit B to the Decree is the CAP which describes the remedial action being conducted, and Exhibit C describes the work schedule. The Decree and other documents relating to the Tiger Oil Site are on file at Ecology’s Central Regional Office, 15 West Yakima Avenue, Yakima, WA 98902.

This Restrictive Covenant is required because the remedial action may not address all of the contamination at the Tiger Oil Site. Thus, the residual concentrations of total petroleum hydrocarbons, benzene, toluene, ethylbenzene and xylenes (the “Identified Substances”) within the Site may, despite the remedial action, still exceed the Model Toxics Control Act Method A Cleanup Levels for soil and groundwater established under WAC 173-340-720 and 740.

The undersigned, Tiger Oil Corporation is the fee owner of real property in the County of Yakima, State of Washington on which a portion of the remedial action is to


MCCREEDY LAW OFFICE COU \$25.00 7440243
Page: 2 of 7
02/07/2005 03:10P
Yakima Co, WA

be conducted (“Property”). The Property that is subject to this Restrictive Covenant is shown on the attached Figure 1, and is legally described on Attachment A hereto.

Tiger Oil Corporation 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. No groundwater may be taken for domestic use from the Property unless the Method A groundwater Cleanup Levels for the Identified Substances have been met at the Property, or as otherwise approved by Ecology in writing.

Section 2. Any activity on the Property that may interfere with the integrity of either the remedial action or existing monitoring wells on the Property that are part of the remedial action is prohibited without the prior written approval of Ecology, which shall not be unreasonably withheld or delayed.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of contaminated soil or create a new exposure pathway is prohibited without the prior written approval of Ecology, which shall not be unreasonably withheld or delayed. Some activities that are prohibited on the Property where contaminated soil is known to be located or may be located 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. Activities involving the routine repair and maintenance of the Property or existing improvements on it can be conducted without any prior written approval of



7440243
Page: 3 of 7
02/07/2005 03:16P
Yakima Co, WA

Ecology to the extent that such activities otherwise comply with this Restrictive Covenant.


Section 4. At least fifteen (15) days prior to transfer of a fee interest in all or any portion of the Property on which an SVE System operated by Tiger is located, the Owner of the Property must give advance written notice to Ecology of such transfer. The Owner shall not consummate any voluntary or involuntary conveyance or relinquishment of title, easement or other interest in the Property without provision, as necessary, for continued operation, maintenance and monitoring of the remedial action on the Property.

Section 5. The Owner shall allow Ecology and its authorized representatives the right to enter the Property as specified in the Consent Decree.

Section 6. 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 Owner also reserves the right to request that Ecology limit the scope of this Restrictive Covenant in the event sampling and monitoring data demonstrate that portions of the Property meet Method A cleanup levels for soil and groundwater. Ecology's approval of such a request shall not be unreasonably withheld or delayed.

DATED this 31st day of January, 2005.

TIGER OIL CORPORATION


By: Charles D. Conley
Its: President


MCCREEDY LAW OFFICE COU \$25.00 7440243
Page: 4 of 7
02/07/2005 03:10P
Yakima Co, WA

ATTACHMENT A

DESCRIPTION

Parcel A:

The North 141 feet of the West 147 feet of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 26, Township 13 North, Range 18, E.W.M., EXCEPT the North 26 feet and the West 20 feet

AND EXCEPT those portions conveyed to the City of Yakima by deeds recorded October 16, 1964, under Auditor's File NO's. 2014381, 2014382 and 2787766.

ASSESSOR'S PARCEL NO.: 181326-42051-8 Area Code 333

Situated in Yakima County, State of Washington.

Parcel B:

That portion of the Northwest 1/4 of the Southeast 1/4 of Section 26, Township 13 North, Range 18, described as follows:
Commencing at the Northwest corner of said subdivision;
thence South along the Centerline of 24th Avenue South, a distance of 141.00 feet, said centerline being the West line of said subdivision;
thence South 89° 17' 00" East a distance of 28.50 feet to the Easterly margin of said 24th Avenue South and the true point of beginning;
thence continuing South 89° 17' 00" East a distance of 118.50 feet;
thence North on a line parallel with the West line of said subdivision 115.00 feet to the Southerly margin of Nob Hill Boulevard;
thence South 89° 17' 00" East along said Southerly margin a distance of 40.00 feet;
thence South a distance of 132.00 feet;
thence North 89° 17' 00" West a distance of 158.51 feet to the Easterly margin of 24th Avenue South;
thence North along said Easterly margin a distance of 17.00 feet to the true point of beginning.

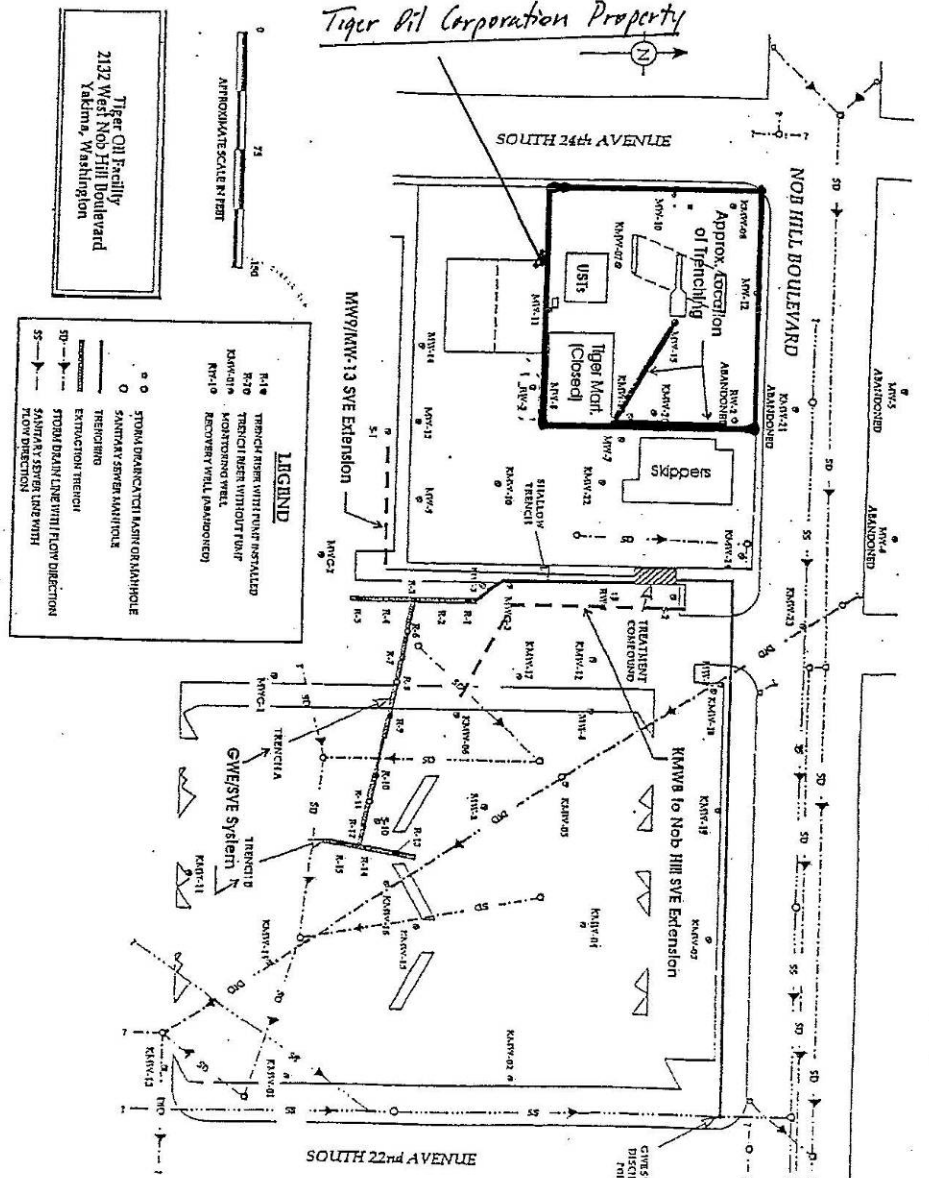
ASSESSOR'S PARCEL NO.: 181326-42051-8 Area Code 333

Situated in Yakima County, State of Washington.



7440243
Page: 7 of 7
02/07/2005 03:10P
Yakima Co, WA

FIGURE "1" TO
 CLEANUP ACTION PLAN



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7440243
 Page: 6 of 7
 02/07/2005 03:18P
 Yakima Co, WA

6.5 Photo log

Photo 1: Monitoring Well in Safeway Parking Lot w/ No Lid – from the northwest



Photo 2: Tiger Mart and Beer Shoppe Buildings – from the northwest



Photo 3: Trench Leading to Treatment System – from the southwest.



Photo 4: Back Side of Tiger Mart and Restaurant – from the southeast

