



PERIODIC REVIEW

**Yakima Valley Memorial Hospital Property
Facility/Site ID#: 5564333**

**30th Avenue and Walnut Avenue
Yakima, Washington 98902**

Central Regional Office

TOXICS CLEANUP PROGRAM

September 22, 2008

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.....	5
3.5 Availability and practicability of higher preference technologies	5
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 Other UST Locations	11
6.4 Environmental Covenant	12
6.5 Photo log	16

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 Yakima Valley Memorial Hospital 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. 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 (1) requires that “if the department selects or approves a cleanup action that results in hazardous substances remaining at a site at concentrations which exceed Method A or Method B cleanup levels established under WAC 173-340-700 through 173-340-760 or if conditional points of compliance have been established, the department shall review the cleanup action no less frequently than every five years after the initiation of such cleanup action to ensure that human health and the environment are being protected”.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(2)]:

- (a) The effectiveness of ongoing or completed cleanup actions;
- (b) New scientific information for individual hazardous substances of mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; 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 Yakima Valley Memorial Hospital (YVMH) Property is located in the City of Yakima in Yakima County, Washington (Vicinity Map - Appendix 6.1). Following remedial activities, a restrictive covenant was recorded for the property in 1996, and the Site received a No Further Action determination.

The Site is a part of the Yakima Valley Memorial Hospital Facility. Historical sources indicate that the property was developed as residential housing by 1940, with orchard use prior to that time. The Site remained in residential use until it was acquired and incorporated into the Yakima Valley Memorial Hospital Facility in 2002. Several of the residences in the area were left intact and used as part of the YVMH complex.

2.2 Site Investigations and Remedial Activities

An underground storage tank (UST) assessment was performed at the Site in November 2002. Two locations were found during that assessment with heating oil contamination as a result of leaking heating oil USTs. In 2003, a contractor began removing several heating oil USTs located at the Site. During the UST removal process, two additional areas of heating oil impacted soil were encountered. A map of the leaking USTs is available as Appendix 6.2 and a map of all heating oil tank locations is available as Appendix 6.3.

Remedial excavation was conducted at all four locations where heating oil impacted soils were encountered. Excavation was conducted at each location until visual and odor indications suggested that the remaining soil was below MTCA Method Cleanup levels. At that point, samples were collected from the limits of the excavation and analyzed for diesel-range petroleum hydrocarbon contamination. If contamination remained, additional excavation was conducted and the process was repeated. All contamination was successfully removed at three of the four locations. A total of 1,245 tons of contaminated soil was disposed of at Anderson PCS in Yakima, Washington.

At the fourth location, excavation of all contaminated soil could not be completed. Contamination extended underneath the residence located at 411 South 31st Avenue and could not be removed without causing structural instability to the residence.

Due the expected depth to groundwater in the area of approximately 60 feet, this residual contamination is not likely to pose a threat to groundwater.

During construction of a new medical building at the Site, two additional heating oil USTs were encountered and removed. A small amount of soil contamination was discovered at one of these USTs. Additional excavation was conducted and confirmation samples confirmed that no heating oil impacted soil remained at concentrations exceeding MTCA Method A cleanup levels.

2.3 Restrictive Covenant

Following remediation, a Restrictive Covenant was recorded for the Site in 2003. The Restrictive Covenant imposes the following limitations:

1. The contaminated portion of the property will be capped with asphalt, concrete, or other impervious surface material. The owner will not excavate below 6 feet below ground surface in the area of contamination. Drilling is prohibited in the contaminated area.
2. Any activity that may interfere with the integrity of the Remedial Action is prohibited.
3. Any activity that may result in the release or exposure of a hazardous material that remains 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 and activities that are consistent with the Restrictive Covenant.
6. The owner must notify and obtain approval from Ecology prior to any use of the property that is 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 September 22, 2008, the building and asphalt cover at the Site continue to eliminate exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in excellent condition and no repair, maintenance, or contingency actions have been required. The Site is operating as a medical facility and parking area. A photo log is available as Appendix 6.5.

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 cap.

Conclusions:

Soils with TPH concentrations higher than MTCA Method A cleanup levels are still present at the Site. However, the Site structures and asphalt surface prevent human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the integrity of the cap will be protected through maintaining the current use of the Site.

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

There is no new 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

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.”

Although cleanup levels changed for gasoline, diesel, and volatile organic compounds as a result of modifications to MTCA in 2001, contamination 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 a medical facility and parking area. 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)(d), 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.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant have been satisfactorily completed. No additional actions are required by the property owner. It is the property owner's responsibility to continue to inspect the site to ensure that the integrity of the 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

Cayuse Environmental. 1996. Site Assessment, Tank Cleaning, and Disposal of Petroleum Contaminated Soil.

PBS Engineering and Environmental. 2003. Results of Heating Oil Cleanup/Risk Assessment 3.8 Acre Hospital Property.

PBS Engineering and Environmental. 2003. Heating Oil Underground Storage Tank Remedial Action and Risk Assessment.

PBS Engineering and Environmental. 2003. Phase One Environmental Site Assessment.

PLSA Engineering and Surveying. 2003. South Heating Oil Tank Removal.

PLSA Engineering and Surveying. 2003. North Heating Oil Tank Removal.

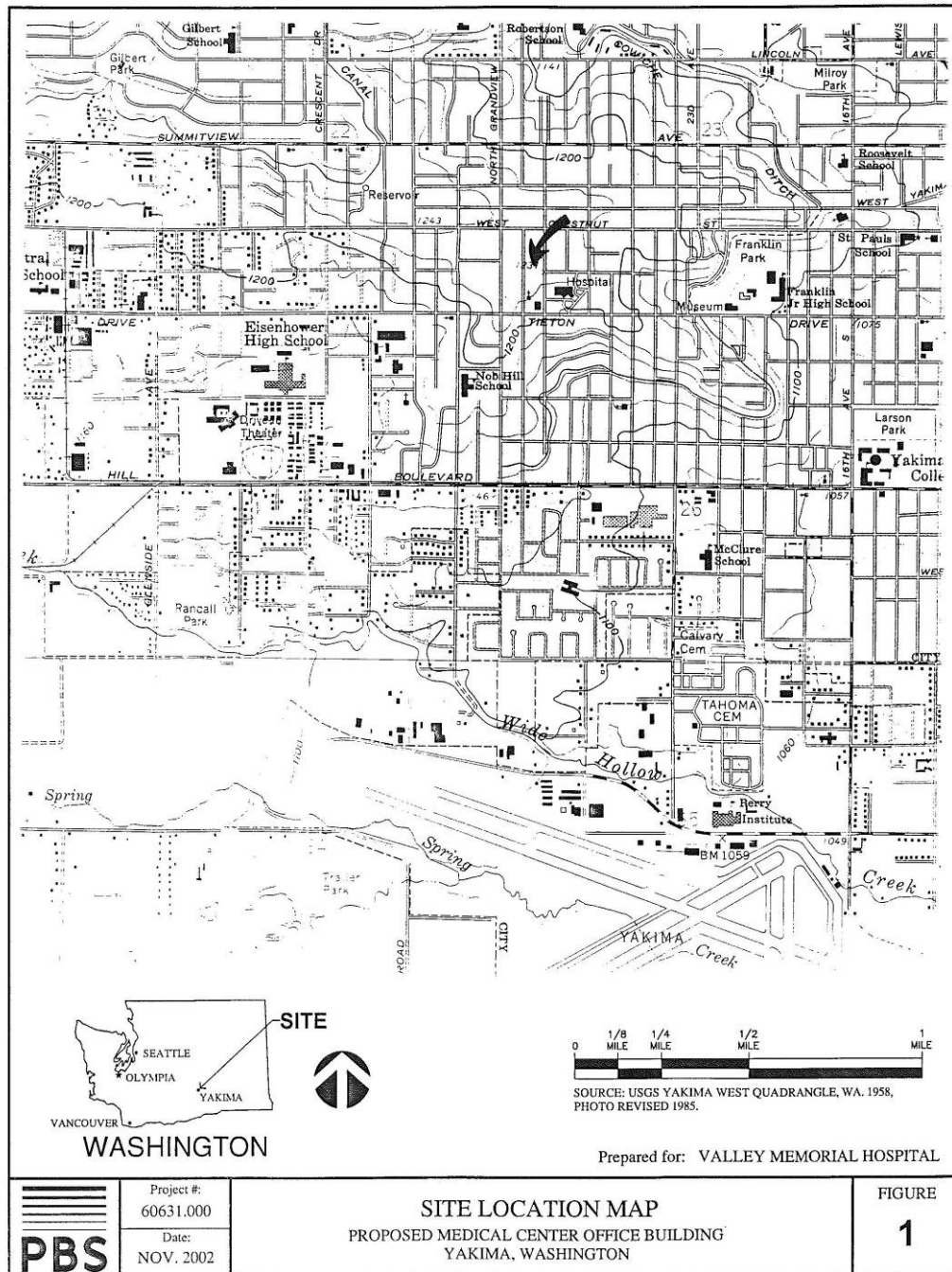
Ecology, 2003, Restrictive Covenant

Ecology, 2003, No Further Action Letter

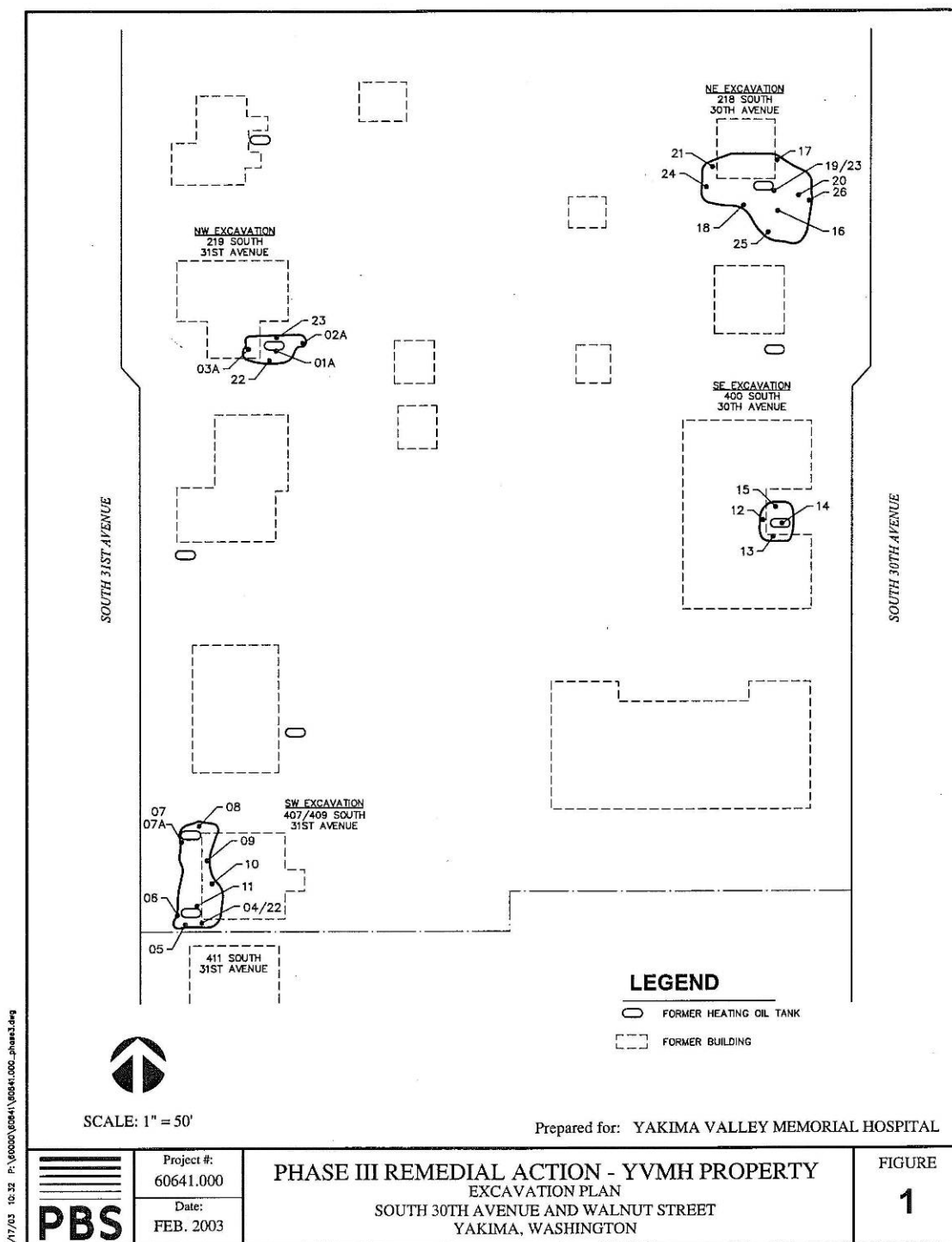
Ecology, 2008, Site Visit

6.0 APPENDICES

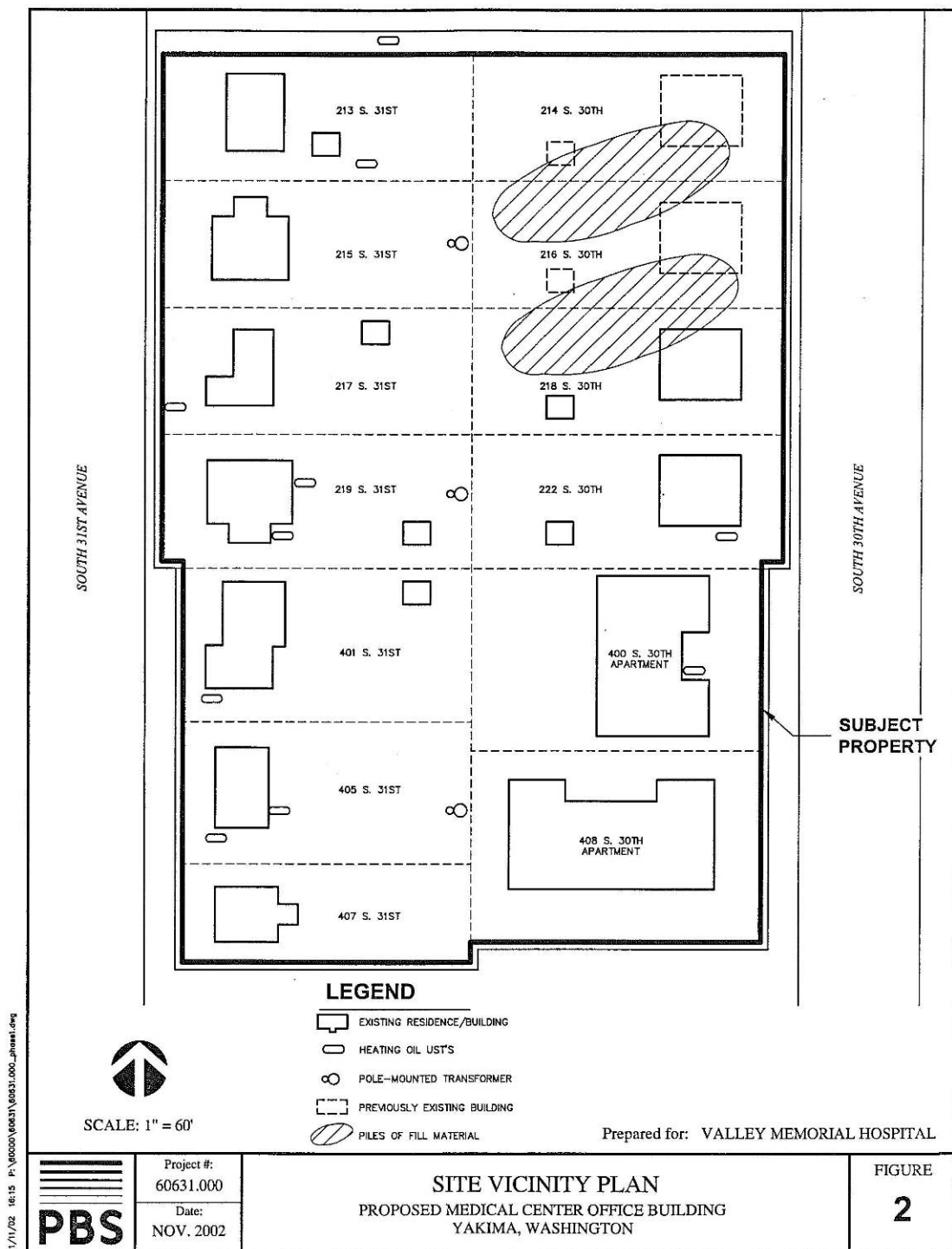
6.1 Vicinity Map



6.2 Site Plan



6.3 Other UST Locations



6.4 Environmental Covenant

Return Address: Department of Ecology
Central Regional Office
1500 W. Yakima Ave.
Suite 300
Yakima, WA 98902



AUDITOR/RECORDER'S INDEXING FORM

Document Title(s):	1. Restrictive Covenant
Reference Number(s) of Documents assigned or released:	
Grantor(s):	1. Yakima Valley Memorial Hospital Association
<input type="checkbox"/> Additional names on page _____ of document	
Grantee(s):	1. Department of Ecology
<input type="checkbox"/> Additional names on page _____ of document	
Legal Description(s):	Portion of Lot 19 and 20, Volume "N" of Plats, Page 25 (abbreviated)
<input checked="" type="checkbox"/> Additional legal is on page <u>two</u> of document	
Assessor's Property Tax Parcel/Account Number:	1813233488

RESTRICTIVE COVENANT

YAKIMA VALLEY MEMORIAL HOSPITAL YAKIMA COUNTY PARCEL # 1813233488

This Declaration of Restrictive Covenant is made pursuant to RCW 10.105D.030(1)(f) and (g) and WAC 173-340-440 by Yakima Valley Memorial Hospital Association, a Washington non-profit corporation (hereafter "Hospital"), 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: Results Of Heating Oil Cleanup/Risk Assessment, 3.8 Acre Hospital Property, Northwest Of Yakima Valley Memorial Hospital, Yakima, Washington, PBS Engineering and

Page 1



7342169
Page: 1 of 4
06/24/2003 04:36P
Yakima Co, WA

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of heating oil which exceed the Model Toxics Control Act Method A Unrestricted Cleanup Level(s) for soil established under WAC 173-340-740.

Restrictive Covenant is further required because of the possibility of middle distillate residue saturation due to elevated levels of heating oil soil contamination remaining on the Property.

The undersigned Hospital is the fee owner of real property (hereafter "Property") in the County of Yakima, State of Washington, that is subject to the Restrictive Covenant and legally described as: Lot 19 and the South 12 feet of Lot 20, Neilan's Memorial Heights, as recorded in Volume "N" of Plats, Page 25, records of Yakima County, Washington. The Property is also known as Yakima County Parcel Number 1813233488.

Hospital 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. A portion of the Property contains heating oil impacted soil that exceeds Method A Unrestricted Cleanup Levels. Contaminated soil remains on the Property within an interval from 30 to 70 feet east of the centerline of 31st Avenue and from 10 feet south of the north property line to the south property line from 6 feet below ground surface to approximately 25 feet below ground surface (hereafter the "Contaminated Area"). The Contaminated Area remains too close to an existing offsite structure (411 South 31st Avenue) to complete further excavation based remedial action activities without damage to that structure.

The portion of the Property above the Contaminated Area will be capped with asphalt, concrete or other impervious surface material limiting the infiltration of surface water into the Contaminated Area. The surface will be maintained by the Owner to ensure moisture infiltration to that area will be minimal.

The Owner/Operator shall not excavate below 6 feet below ground surface in the area of the remaining contamination 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.

Drilling is prohibited in the Contaminated Area .

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.

Page 2



Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.


Section 5. The Owner must restrict leases to uses and activities consistent with the 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.

Yakima Valley Memorial Hospital Association

By: 
John G. Vornbrock
Senior Vice President/COO

Date Signed: June 17, 2003

Page 3

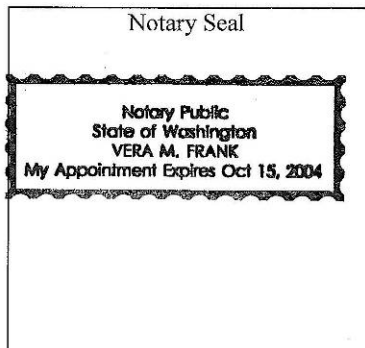


7342169
Page: 3 of 4
08/24/2003 04:36P
Yakima Co, WA

STATE OF WASHINGTON)
) SS.
COUNTY OF YAKIMA)

I certify that I know or have satisfactory evidence that John Vornbrock is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Executive Vice-President and Chief Financial Officer of Yakima Valley Memorial Hospital Association to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 6-17-03



Vega M. Frank
Vega M. Frank (Print Name)
Notary Public
My appointment expires: 10-15-04

Page 4



6.5 Photo log

Photo 1: Parking Area - from the southeast



Photo 2: Parking Area - from the northeast



Photo 3: Parking Area - from the east



Photo 4: East Side of the Building – from the south

