



## **PERIODIC REVIEW**

**Carnation Farms – Nestle Training Center  
Facility Site ID#: 89166326**

**28901 N.E. Carnation Farm Road  
Carnation, Washington 98014**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**November, 2008**

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## 1.0 INTRODUCTION

This document is the Department of Ecology's review of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the Nestle Training Facility (Site), formerly known as the Carnation Farm Site. Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup activities at this Site were completed under the Independent Remedial Action Program (IRAP). The cleanup actions resulted in residual concentrations of diesel-range petroleum hydrocarbons (TPH-D) exceeding MTCA Method A cleanup levels for soil 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 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 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 Nestle Training Facility Site is located approximately 3 miles northwest of the City of Carnation in King County, Washington (Site Plan – Appendix 6.1). Following remedial activities beginning in 1993, a restrictive covenant (Appendix 6.2) was recorded for the property and the Site received a „No Further Action“ determination.

Carnation Farm has been in operation since 1909. The Site has been used primarily as a dairy farm. A 10,000-gallon leaded gasoline underground storage tank (UST) was installed in 1971 and decommissioned in 1989, and a 5,000-gallon unleaded gasoline UST was installed in 1976 and decommissioned in 1995. A 22,000-gallon above ground storage tank (AST) was installed sometime in the 1920s and supplied fuel oil to a steam boiler. The AST was removed in May 1993.

A diesel fuel release of approximately 30 gallons occurred in October 1993 from the 22,000-gallon AST. This release migrated through a wood culvert to Sikes Lake approximately 150 yards to the northwest. Following the initial release, approximately 50 cubic yards of soil were excavated, and booms were placed on the lake to contain the release. ATEC Associates, Inc. (ATEC) collected soil samples in November 1993 from below the concrete AST pad. During this sampling event, an oily sheen was noted on shallow groundwater in the vicinity of the pad. Based on these samples, an additional 150 cubic yards of petroleum hydrocarbon contaminated soil (PCS) was excavated after removing the concrete AST pad. Confirmation samples collected following this remedial excavation indicated that PCS remained at the site with TPH-D concentrations exceeding MTCA Method A cleanup levels.

Four groundwater monitoring wells were installed at the Site in May and June 1995. These four monitoring wells were sampled on a quarterly basis for 8 consecutive sampling events. Contaminants were not detected in MW-1, MW-2 or MW-3 at concentrations exceeding MTCA Method A cleanup levels in any of the sampling events. Initially, gasoline-range petroleum hydrocarbons (TPH-G) and volatile organic compounds (VOCs) were detected in MW-4, but following the first quarter of 1997, the well had four consecutive quarters of clean sample results.

A gasoline-like odor and petroleum staining were observed in July 1996 in soils adjacent to the former fuel pump and product piping during the decommissioning of the 5,000-gallon gasoline UST. Approximately 40 cubic yards of PCS were excavated from the site in July 1997. Soil samples were collected from the limits of the excavation and water samples were collected from groundwater found in the excavation. Both soil and groundwater samples had TPH-G, benzene, toluene, xylenes, ethylbenzene (BTEX), and lead concentrations exceeding MTCA Method A cleanup levels. A Geoprobe™ was used in August 1996 to conduct 12 soil borings to further delineate the extent of contamination. These borings confirmed the presence of TPH-G in the vicinity of SB-1 and the former fuel pump area. Based on the location of surface structures and

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underground utilities, the area was considered inaccessible for further excavation. An additional 45 cubic yards of PCS was excavated from the area, but confirmation samples indicated TPH-G at 1,300 ppm in one sample. It is estimated that a total of 70 cubic yards of PCS remains at the site under structures.

It was determined after sufficient groundwater monitoring that the PCS no longer posed a threat. There was no threat to human health by direct contact because the structures covered the contamination, and no longer a threat to groundwater based on four consecutive quarters of clean sample results. A restrictive covenant was recorded for the Site in July 1998, and in August 1998, a „No Further Action“ determination was issued.

## **3.0 PERIODIC REVIEW**

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

The structures at the Site continue to eliminate the human exposure to contaminated soils by ingestion and direct contact. Based upon the site visit conducted on May 28, 2008, no repair, maintenance or contingency actions have been required. A photo log is available as Appendix 6.3.

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 assure the long term integrity of the Site structures.

Soils with TPH-G concentrations higher than MTCA Method A cleanup levels are still present at the Site. However, the structures 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 caps 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 relative 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; however, 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 removal/recycling of hazardous substances as well as containment, 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 well below MTCA Method A cleanup levels. The presence of improved analytical techniques would not effect decisions or recommendations made for the site.

## **4.0 CONCLUSIONS**

- The cleanup actions completed at the Site is 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) are being met. Please note these citations are for the MTCA regulations in effect at the time the remedy was implemented, and are incorrect if applied to the current regulations.
- 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 five-year review, the Department of Ecology has determined that the requirements of the Restrictive Covenant are being met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the site to assure 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**

Centurywest Engineering Corporation, October 5, 1995, Quarterly Monitoring Report.

Centurywest Engineering Corporation, April 8, 1996, Quarterly Monitoring Report – Fourth Quarter 1995.

Centurywest Engineering Corporation, June 5, 1996, Quarterly Monitoring Report – First Quarter 1996.

Centurywest Engineering Corporation, August 23, 1996, Quarterly Monitoring Report – Second Quarter 1996

Centurywest Engineering Corporation, November 8, 1996, Quarterly Monitoring Report – Third Quarter 1996

Centurywest Engineering Corporation, January 24, 1997, Quarterly Monitoring Report – Fourth Quarter 1996

Centurywest Engineering Corporation, September 25, 1997, Independent Remedial Action Report

Ecology, 1998, No Further Action Letter

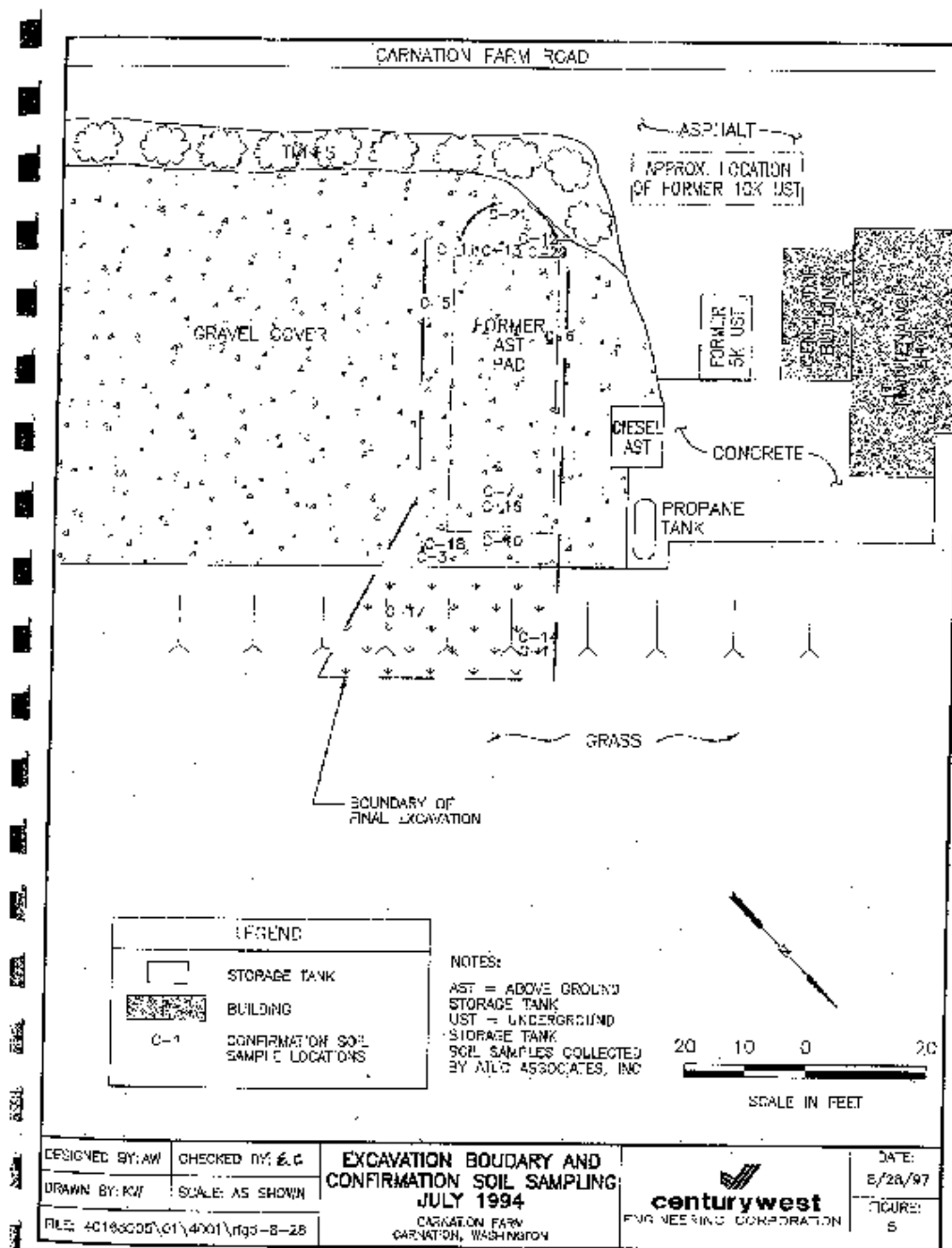
Ecology, 1998, Restrictive Covenant

Ecology, 2008, Site Visit

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## **6.0 APPENDICES**

## 6.1 Site Plan



## 6.2 Environmental Covenant

**WHEN RECORDED, MAIL TO:**

Nestle USA, Inc.  
Noelia Marti-Colon  
Legal Department  
800 North Brand Boulevard  
Glendale, CA 91203



**RESTRICTIVE COVENANT**

**Recording Information:**

CHICAGO TITLE INS. CO.  
REF# W198030546

CHICAGO TITLE INSURANCE COMPANY  
has placed the document of  
record as a customer courtesy  
and accepts no liability for  
the accuracy or validity of  
the document.

Reference Numbers  
of Documents Assigned  
or Released:

Not Applicable

Grantor:

NESTLE USA, INC.

Grantee:

THE STATE OF WASHINGTON, DEPT. OF ECOLOGY

Additional  
Grantors/Grantees:

N/A

Abbreviated Legal  
Description:

Portion of the E 1/2 of the SE 1/4 of Section 6, Township 25 N,  
Range 7 E, W.M., King County, Washington

Tax Assessor's Parcel No.:

062507-9021-04  
(additional legal description on page 1)

9807151773

980715-1773 03:45:00 PM KING COUNTY RECORDS ON LLO 11.00

### RESTRICTIVE COVENANT

The Nestlé USA, Inc., Carnation Farm Training Center

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Nestlé USA, Inc. (formerly Nestlé Food Company), 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: (1)

1. September 25, 1997, Independent Remedial Action by Century West Engineering Corp.
2. March 28, 1997, Quarterly Monitoring Report First Quarter 1997, by Century West Engineering Corp.
3. January 24, 1997, Quarterly Monitoring Report Fourth Quarter 1996, by Century West Engineering Corp.
4. November 8, 1996, Quarterly Monitoring Report Third Quarter 1996, by Century West Engineering Corp.
5. August 23, 1996, Quarterly Monitoring Report Second Quarter 1996, by Century West Engineering Corp.
6. June 5, 1996, Quarterly Monitoring Report First Quarter 1996, by Century West Engineering Corp.
7. April 8, 1996, Quarterly Monitoring Report Fourth Quarter 1995, by Century West Engineering Corp.
8. October 5, 1995, Quarterly Monitoring Report, by Century West Engineering Corp.

These documents are on file at Ecology's Northwest Regional Office.

This restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

(1) The term "document" means reports prepared regarding the remedial action as well as Ecology's NFA letter

The undersigned, Nestlé USA, Inc., is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property subject to this Restrictive Covenant is legally described as follows:

That portion of the east half of the southeast quarter of Section 6, Township 25 North, Range 7 East, W.M., in King County, Washington, being described as follows:

Commencing at the southeast corner of said subdivision thence N08°56'24"E along the east line thereof 812.48 feet; Thence N81°03'36"W 599.11 feet to a point on a line which is parallel to and 30 feet northeasterly of the as-built centerline of the existing County road, when measured at right angles, and the True Point of Beginning; Thence N43°04'01"W along said parallel line 167.72 feet; Thence N46°55'59"E 120.00 feet; Thence S43°04'01"E 167.72 feet; Thence S46°55'59"W 120.00 feet to the True Point of Beginning.

Nestlé USA, Inc. makes the following declarations 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: If the structures described below are ever demolished, cleanup of contaminated soils will occur at that time under the provisions of WAC 173-340-740:

That portion of the Property containing gasoline contaminated soil located around former 5,000 gallon and 10,000 gallon underground storage tanks and fuel pump/product line areas, under the southeast and southwest corners of the buildings of the Maintenance Shop and attached Generator Building and subsurface utilities in the area, and the east concrete pad by these buildings as more particularly identified in the legal description above. The Owner shall not alter, modify, or remove the existing structure(s) or conduct any activities on the Property in any manner that may result in the release or exposure to the environment of hazardous substances over cleanup levels or create a new exposure pathway without prior written approval from Ecology.

Section 2: Any Activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

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

Section 4: The Owner of the property must give thirty (30) 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 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.

July 13, 1998  
Date Signed

On JULY 13, 1998 before me, MARIA HAZEL PERRI Notary Public, personally appeared  
— KRISTIN ADRIAN —

personally known to me - ~~OR~~ ☐

proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal,

WITNESS my hand and official seal:  
*Maria Hazel Lewis*  
 SIGNATURE OF NOTARY

## 6.3 Photo log

**Photo 1: Maintenance Building - from the south**



**Photo 2: Above Ground Storage Tank Area - from the northeast**





**Photo 3: Maintenance Building Spill Area - from the northeast**



**Photo 4: East Side of Building with Lake in Distance - from northeast**

