



PERIODIC REVIEW

**Allen's GTX Truck Stop
FS ID#: 63511172**

**18724 East Cataldo
Spokane Valley, Washington 99016**

Eastern Regional Office

TOXICS CLEANUP PROGRAM

May 2010

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1.0 INTRODUCTION

This document is the Department of Ecology's review of site conditions and monitoring data after the completion of the cleanup. This review is conducted to ensure human health and the environment are being protected at the Allen's GTX Truck Stop site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup activities at this Site were conducted under the Voluntary Cleanup Program (VCP). 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). 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 ensure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department will 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 will 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

Allen's GTX Truck Stop facility is located at 18724 East Cataldo Avenue in the City of Spokane Valley in Spokane County, Washington (Vicinity map – Appendix 6.1). Barker Road and the I-90 interchange and overpass are located to the west and south of the Site. The Site is zoned commercial (B-3) and is currently developed as a truck stop facility that includes a convenience store, restaurant, and fuel facility. Surrounding land uses include mixed commercial and residential development.

Texaco developed the property as a service station in 1971. Additions were constructed to the original metal building in 1980 and 1985. A gasoline service facility with a canopy roof, two pump islands, and three underground storage tanks (USTs) were located on the west side of the existing building. A diesel UST system located on the northern portion of the Site was constructed in 1988. Following remedial activities, a restrictive covenant was recorded for the property in 2005, and the Site received a No Further Action determination.

2.2 Remedial Activities

The diesel pump island area was renovated between December 2000 and March 2001. The renovation included installation of new pump islands and barriers, re-arrangement of the dispensing units, placement of containment sumps under the dispensing units and piping connections, and pouring a new concrete pad with a storm water and spill containment system.

Diesel-impacted soil was discovered during the renovation work. It was found under several dispensing units and in various locations under the former concrete pad where there were seams or cracks. The affected soil appeared to be the result of leaks from various piping connections or from connections below the dispensers, and from minor spills during refueling operations. Remedial excavation activities were conducted between December 2000 and January 2001 in areas of obvious petroleum hydrocarbon (TPH) contamination under the canopy. Additional Site characterization was conducted in October 2001 using soil borings and sampling to define the extent of contamination.

The remedial excavation of affected soil consisted of removing obvious, stained soils under the former structures and concrete slab. Soil appeared to be contaminated to a depth of 2.5 to 5 feet below ground surface (bgs). The pipe and dispensing units' releases appeared to have affected soil to a depth up to 12 to 15 feet bgs.

The excavation depth ranged from 2.5 to 15 feet bgs. The lateral limits consisted of the area immediately under the former concrete pad, within the canopy footprint. Thirty-six soil samples were collected from the excavation following removal of contaminated soil. Diesel concentrations ranged from non-detect up to 18,900 milligrams per kilogram (mg/kg). Of the 36 samples, 18 were non-detect and 15 were below the cleanup level. The remaining 3 samples

were above the cleanup level, ranging from 2,420 to 18,900 mg/kg. Three soil borings (B4 through B6) were completed in October 2001 under the canopy. Soil sample results from the pump island borings were either non-detect for TPH or below cleanup levels.

Remedial activities were conducted at the diesel tank bed in June 2001. Based on visual observations, a pressure line leak was detected at an elbow in the piping immediately adjacent to turbine No.2, associated with the middle 10,000-gallon tank. Soil under the turbine area was contaminated with diesel as a result of the leak. A minor, intermittent leak was also detected at Turbine No.3, associated with the southern-most 12,000-gallon tank. Obvious, stained soils around turbines No. 2 and 3 and over the west ends of tanks No. 2 and 3 were excavated. The excavation depth ranged from 2.5 to 5 feet bgs. Five soil samples were collected from between the three USTs at the diesel tank bed and from within the excavation. Residual diesel concentrations ranged from 21.6 to 16,700 mg/kg. Only one sample, collected from between tanks No.2 and 3, was above MTCA Method A cleanup levels for TPH-D.

Based on these results, three soil borings (B1 through B3) were completed in July 2001. Soil samples collected from the borings did not contain TPH at concentrations exceeding MTCA Method A cleanup levels.

Approximately 1263 tons of diesel-impacted soils were transported to the Graham Road Landfill in Medical Lake, Washington for disposal. The excavations were backfilled with pea gravel.

Three residual contaminated zones remain at the diesel pump islands. Residual affected soil remains under pump islands 1 and 2 from approximately 12 to 15 feet bgs and around the adjacent canopy support post footings. The contaminated soil could not be completely removed because the canopy is held up by posts that sit on footings in the ground. Impacted soil also remains under pump island 4 at approximately 15 feet bgs and around the post footings that support an adjacent canopy. Due to the proximity of the footings, all impacted soil could not be removed. Residual affected soil also remains in the diesel tank bed between tanks No. 2 and 3.

2.3 Restrictive Covenant

Following remediation, it was determined that the Site would be eligible for a no further action determination with the implementation of institutional controls in the form of an Environmental Covenant. An Environmental Covenant was recorded for the Site in 2005. The Environmental Covenant imposes the following limitations:

1. A portion of the Property contains diesel range petroleum hydrocarbon contaminated soil located specifically as delineated in "EXHIBIT A" attached to and an integral portion of this Restrictive Covenant. The Owner Shall not alter, modify, or remove the existing structure(s) 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.
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 be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.
 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.
 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.
 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.

A copy of the Environmental 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 May 13, 2010, the building and asphalt cover at the Site continue to eliminate exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition and no repair, maintenance or contingency actions have been required. The Site continues to operate as a truck stop. 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.

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

MTCA Method A cleanup levels have not changed since the no further action determination was issued for the Site in 2005.

3.4 Current and projected Site use

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented included containment of hazardous substances and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the remedial action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil 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 are being 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 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

Ecology. *VCP Review*. April 17, 2001.

Leppo Consultants, Inc. *Remedial Investigation and Cleanup Action Report*. January 2002.

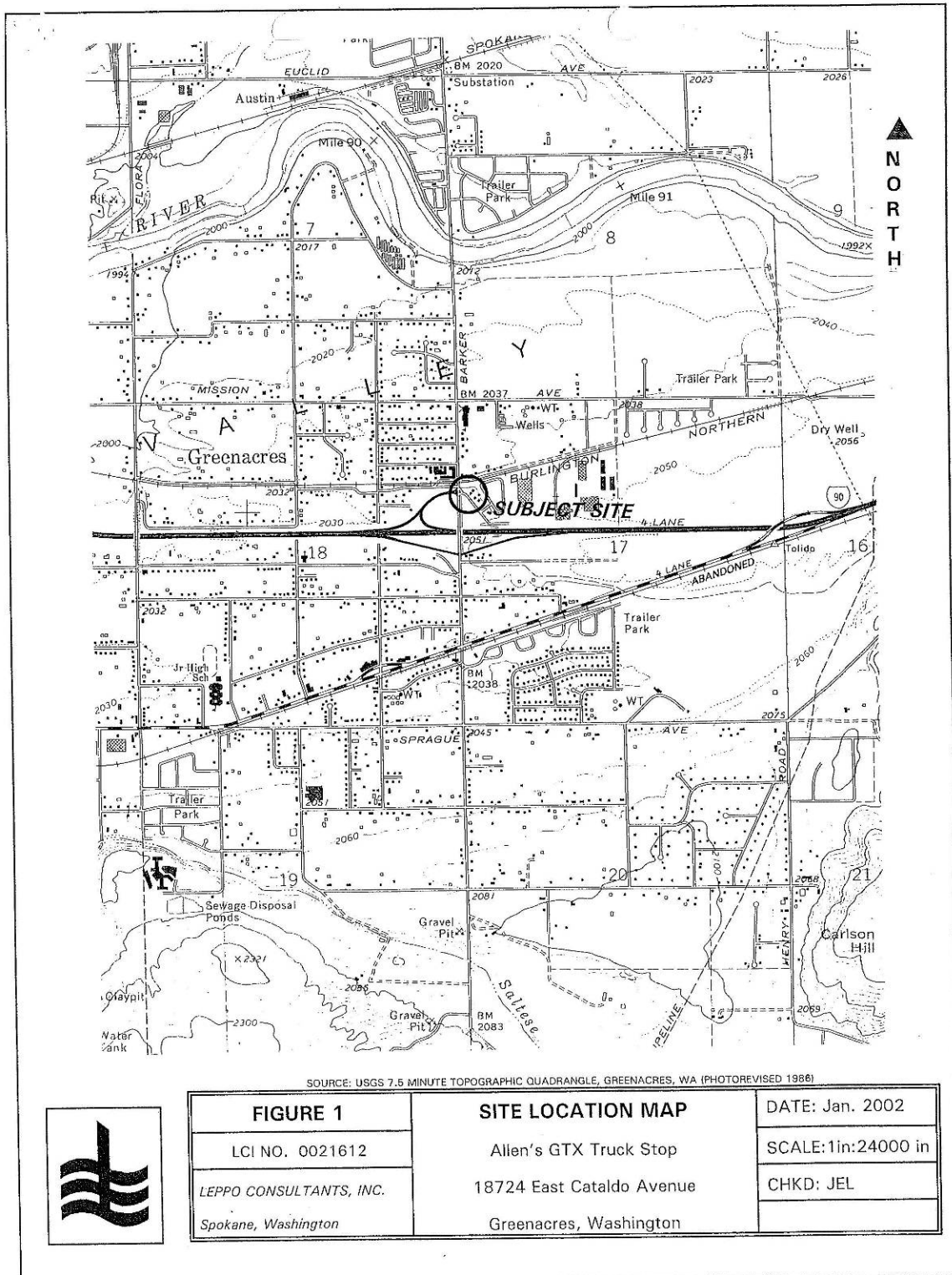
Ecology. *No Further Action Determination Letter*. January 20, 2005.

Ecology. *Restrictive Covenant*, January 18, 2005.

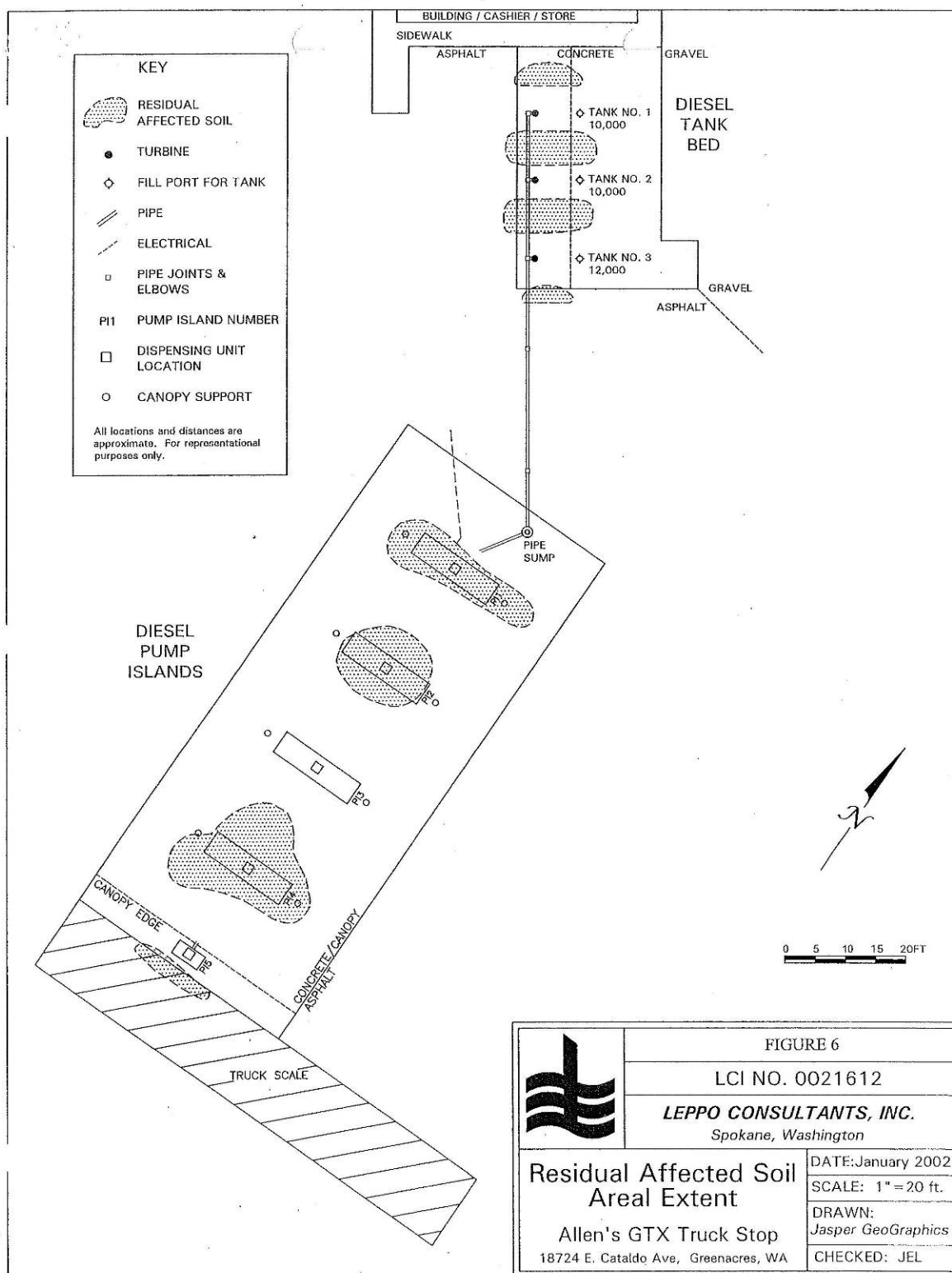
Ecology. *Site Visit*. May 13, 2010.

6.0 APPENDICIES

6.1 Vicinity Map



6.2 Site Plan



6.3 Environmental Covenant

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ROECKS: LAW

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When Recorded, Please return to:

Roecks Law Firm, P.C.
103 N. Locust Rd., Suite B
Spokane, WA 99206

COPY
ORIGINAL FILED OR RECORDED

JAN 18 2005

COUNTY AUDITOR
SPOKANE COUNTY WA

2:47pm

#5170266

RESTRICTIVE COVENANT

189754

Property Owner: Puran Singh Name of Property: Allen's GTX Truck Stop

This Declaration of Restrictive Covenant is made Pursuant to RCW 70.105D.030 (1)(f) and (g) and WAC 173-340-440 by Puran Singh, his 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: Remedial Investigation and Cleanup Action Report, Independent Remedial Actions, Characterization and Documentation of Diesel Affected Soil, Diesel Tank Bed and Pump Island, Allen's GTX Truck Stop, 18724 East Cataldo Avenue, Greenacres, Washington, Leppo Consultants, Inc., January 2002.

This Restrictive Covenant is required because the Remedial Action resulted in Residual concentrations of diesel range petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for Soil established under WAC 173-340-740.

The undersigned, Puran Singh, is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington, that is subject to this Restrictive Covenant. This property is legally described as follows:

55170-0000

Parcel A:

That portion of the Greenacres Irrigation Ditch and Lots 5 and Lot 6, Block 2, Corbin Addition to Greenacres, according to Plats recorded in Volume "S" of Plats, page 30, in Spokane County, Washington, More Particularly described as follows:

Beginning at the Northwest corner of said Lot 6:

Thence South 00° 17'30" East, along the Westerly Boundary of said Block 2, A distant of 58.17 feet to point on the southwesterly line of said Greenacres Irrigation Ditch;

Restrictive Covenant

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That portion of the Greenacres Irrigation Ditch and Lot 5, Block 2, Corbin Addition to Greenacres;

Beginning at the Northwest corner of Lot 6, Block 2, Corbin Addition to Greenacres;
Thence South $00^{\circ}17'30''$ East along the Westerly boundary of said Block 2, a distance of 58.17 feet to a point on the Southwesterly line of Greenacres Irrigation ditch;
Thence along said southwesterly line south $85^{\circ}03'$ East, 50.4 feet of the point of curve on a 32.07 foot radius curve right whose central angle is $48^{\circ}21'$;
Thence along the arc of said curve right a distance of 27.06 feet to the point of Tangent;
Thence South $36^{\circ}42'$ East, 164.40 feet;
Thence South $36^{\circ}21'$ East, 42.79 feet to the point of beginning;
Thence North $53^{\circ}39'$ East, 200 feet;
Thence South $36^{\circ}21'$ East, 240 feet;
Thence South $53^{\circ}21'$ West, 200 feet;
Thence North $36^{\circ}21'$ West, 240 feet to the true point of beginning;
Except that portion deeded to the State of Washington for State Route 90 under Auditor's File No. 4639619.

Spokane County Parcel # 55172.0222

Puran Singh 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

Restrictive Covenant

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(hereafter "Owner").

Section 1. A portion of the Property contains diesel range petroleum hydrocarbon contaminated soil located specifically as delineated in "EXHIBIT A" attached to and an integral portion of this Restrictive Covenant. The Owner Shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release of exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology."

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

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains 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.

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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 th 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.

Dated: 10-25-2004

Puran Singh

Puran Singh

State of Idaho)

County of Spokane) ss.

I certify that I know or have satisfactory evidence that **Puran Singh** signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned.

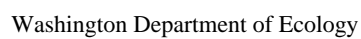
²⁵
Dated October 18, 2004

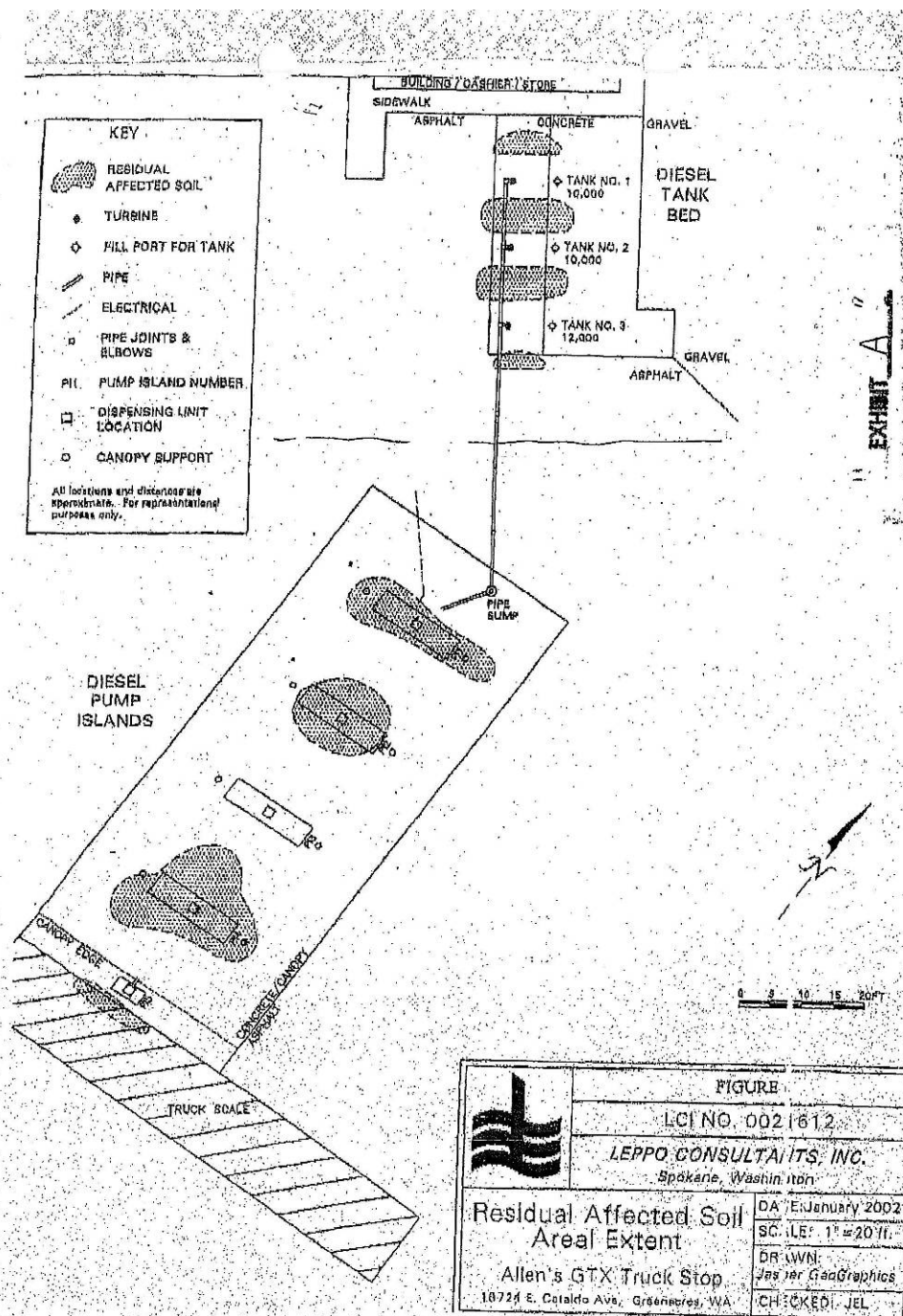


Mary Bonestud
Notary Public in and for
the State of Idaho
Residing at: Spokane
My appointment expires September 1, 2007

Restrictive Covenant

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6.4 Photo log

Photo 1: West Side of Property - from the west



Photo 2: East Side of Property - from the east



Photo 3: South Side of Building and Pump Island - from the southeast



Photo 4: South Building Frontage – from the West

