



PERIODIC REVIEW

**Bill's Gas and Country Store
Facility/Site ID #: 55999815**

**817 East Woodin Avenue
Chelan, Washington 98816**

Central Regional Office

TOXICS CLEANUP PROGRAM

February 2009

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 Cleanup Levels.....	3
2.4 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.....	4
3.5 Availability and practicability of higher preference technologies	4
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 Environmental Covenant	11
6.4 Photo log	14

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 Bill's Gas and Country Store site (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 (TPH) in soil 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 (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;
- (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 History

The Bill's Gas and Country Store property is located in the City of Chelan in Chelan County, Washington (Vicinity Map - Appendix 6.1). Following remedial activities, a restrictive covenant was recorded for the property in 2003 and the Site received a No Further Action determination.

The site has been in operation as "Bill's Cut Rate Gas" for more than twenty years. Two 10,000-gallon gasoline underground storage tanks (USTs) were installed in May 1972. Two 6,000-gallon gasoline USTs were installed in July 1975. One 5,000-gallon gasoline UST was installed in May 1984. Two unregistered 2,000-gallon USTs were installed previous to the installation of the two 10,000-gallon gasoline UST's in May 1972. Norma Shourd, the present owner, stated that her deceased husband, Bill Shourd installed the unregistered tanks, and had done all his own plumbing. A site map is available as Appendix 6.2.

2.2 Site Investigations and Remedial Activities

Seven USTs along with two pump islands and all associated piping were removed from the Site in March 1992 prior to the installation of a new UST system. Piping from an unknown third pump island was uncovered to the north of the two existing pump islands. The third abandoned pump island was completely covered with asphalt. The material removed consisted of sand fill, which was used to fill around the tanks when they were originally installed. Finely laminated indigenous clay was encountered approximately two feet beneath the bottom of the tanks, and it acted as a barrier to migrating contamination. This clay was saturated with petroleum product and had a very strong odor.

The original excavation extended to a depth of 15 feet below ground surface (bgs), as did the three pump island trenches. The trenches for the three pump-islands were widened to six to eight feet, and an estimated total 1,200 yards of contaminated soil was removed. The first 1,200 yards of contaminated soil was transported to a fruit orchard east of town, and treatment consisted of dumping it alongside the road. This site was not approved by the Chelan County Health Department or the Central Office of the DOE and the contaminated soil was later transported to the East Wenatchee landfill for disposal. Following the analysis of confirmational samples collected from the limits of the excavation, an additional 1,300 yards of contaminated soil being removed from the Site. It was transported to another land-farm, located approximately nine miles to the east and south from Bill's Cut Rate station in Chelan, for land farming.

Confirmation samples were collected from the limits of the excavations. A number of the samples analyzed were above MTCA Method A cleanup levels for TPH and for benzene, toluene, ethylbenzene, and xylenes (BTEX). Contamination was found beneath five of the UST's and the three pump-islands. No additional excavation was conducted due to the proximity to site structures. No holes were discovered in the tanks when they were cleaned and inspected, thus the problem was deemed to be with the plumbing of the piping system, and to improper

original installation. In total, over 250 truck loads were excavated and hauled away from the Chelan site.

In November 1999, a subsurface investigation with soil testing was conducted by Cascade Drilling, Co. Soil sampling was conducted underneath each existing dispenser. The dispenser pumps were opened and the inside was observed for signs of leaks or discolored soil. No obvious contamination was evident at any of the pumps. The inspection of the three underground storage tanks revealed no evidence for noncompliance. The soil testing found no contamination with petroleum hydrocarbons at the Site.

2.3 Cleanup Levels

At the time of the remedial action, the MTCA Method A cleanup level for TPH-D in soil was 200 ppm and the cleanup level for TPH-O in soil was 200 ppm. In 2001, Ecology changed the MTCA Method A cleanup level for TPH-D in soil to 2,000 ppm and TPH-O in soil to 2,000 ppm. The new higher cleanup levels will be applied to the Site, and the remedial actions taken at the Site are not impacted by this change.

2.4 Restrictive Covenant

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

1. The owner shall not alter, modify, or remove the property in any manner that may result in the release or exposure of contaminated soil.
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 must restrict leases to uses consistent with the restrictive covenant.
6. The owner must get written approval from Ecology to use the property in a manner 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 January 22, 2009, the asphalt cover at the Site continues 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 is still operating as a retail store and gas station. 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 Site surface.

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

Cleanup levels at the Site were based on regulatory standards rather than calculated risk for chemicals and/or media. These standards continue to be protective of site-specific conditions.

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.”

Contamination likely 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 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.
- Soils cleanup levels have not been met at the Site; however, under WAC 173-340-740(6) (f), 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 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

Blue Ridge Associates, Inc. Site Assessment and Decommissioning. August 10, 1992.

Trabusiner, Peter. UST-Site Investigation and Final Cleanup Report. December 27, 1999.

Ecology. Restrictive Covenant. 2003

Ecology. Site Visit. 2009

6.0 APPENDICES

Chelan, WA

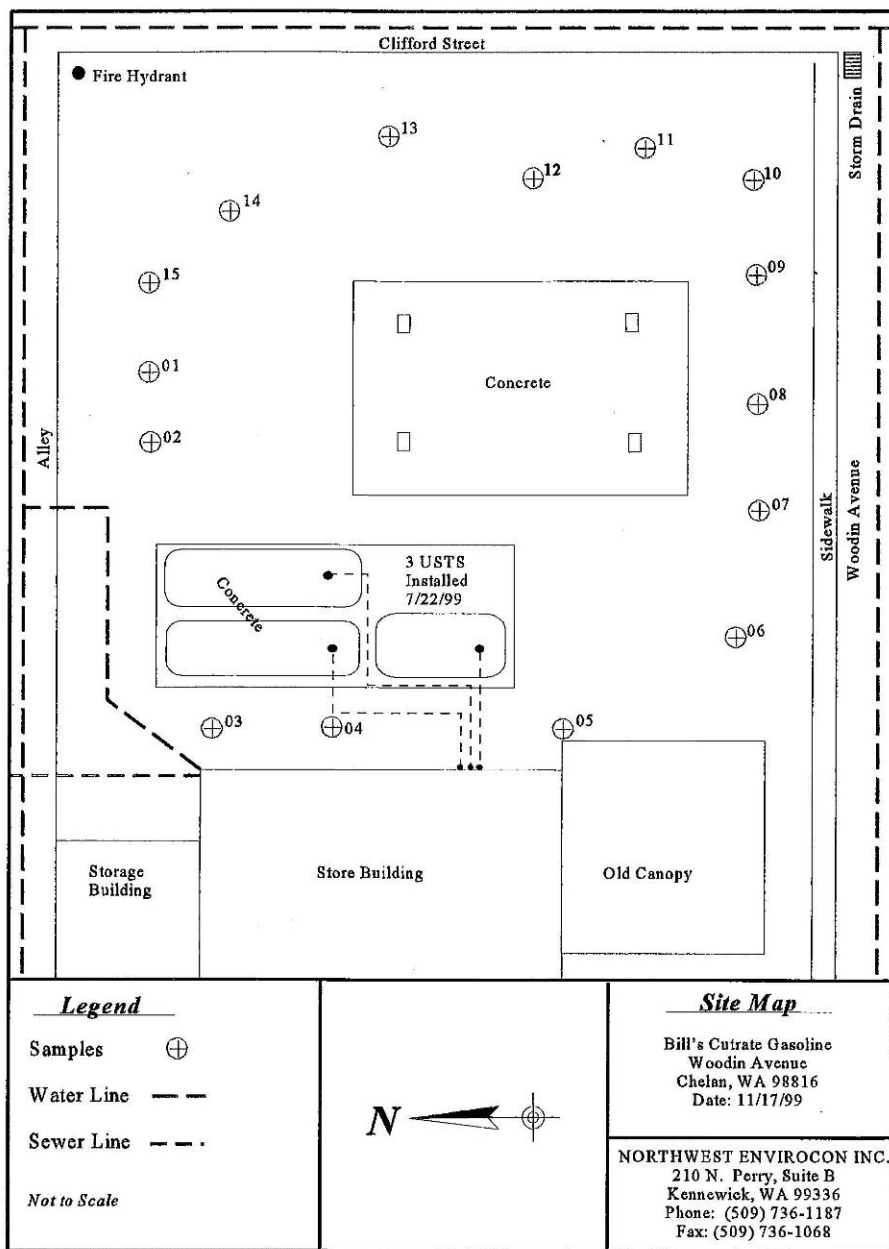
Mag 15.00
Sun Dec 12 19:19 1999
Scale 1:12,500 (at center)

1000 Feet
200 Meters

— Local Road
— State Route
— US Highway
--- Utility/Pipe
□ Point of Interest
◆ Small Town
▼ Geographic Feature

1997 DeLorme Street Atlas USA 4.0 © for Macintosh (800)452-5931

6.2 Site Plan



6.3 Environmental Covenant

RESTRICTIVE COVENANT

Norma Shourd was and Darla O. Russell is fee owner of, Bill's Gas & Country Store.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Norma Shourd and Darla O. Russell, 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:

Date	Title	Name of Business/Person	Purpose-Results
5/29/02	Water Well Report #W155185	MVM Quality Drilling, LLC	Test for Ground water (85') None found
6/6/02	Water Well Report #A-66301	MVM Quality Drilling, LLC 22905 River view Rd-Chelan	Decommissioned- no water found
11/8/99	UST Site Investigation and Final Clean Up Report	Net Compliance Prod. & Services 210 N Perry-Kennewick, WA	Soil tests under dispensers no contamination found
11/18/99	Final Clean Up Report	Cascade Drilling-Portland, OR	Drilled 15 holes on property perimeter no contamination found
1/2/02	STI-P3 Tank Monitoring	Veri-Tank, Inc	Tank corrosion protection Annual Test- passed
6/19/02	Certificate of Tightness	Northwest Tank & Env. Serv	Certify tanks and lines Annual Test- passed
	No Further Action Required	Department of Ecology	Remedial Action satisfied

The aforementioned documents are on file at the Central Regional Office of Ecology.

This Restrictive Covenant is required because a conditional point of compliance has been established for soil.

The undersigned Norma Shourd was and Darla Russell is the fee owner of real property (hereafter "Property") in the County of Chelan, State of Washington, that is subject to this Restrictive Covenant.

Lots 1 through 7 inclusive and the East 8 feet of Lot 8, Block 2, Lakeview Addition to the Town of Chelan, Chelan County, Washington, according to the plat thereof recorded in Volume 1 of Plats, page 26.

EXCEPT that portion of said Lot 8 lying Westerly of the following described line: Commencing at the Northwest corner of said Lot 8. Thence South 87deg. 12'07" East along the North line thereof a distance of 23.22 feet to the True Point of Beginning. Thence South 3deg. 34'51" West a distance of 106.55 feet to a point on the South line of said Lot 8 which is 15.54 feet Easterly of the Southwest corner thereof and the terminus of this description.

Norma Shourd/Darla O. Russell make 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 may contain petroleum-contaminated soil located under a portion of the existing building. The owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of any possible 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.

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.

Norma Shourd
Norma Shourd, Remedial Action Initiator

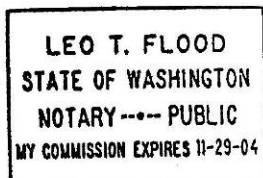
Date: 9-19-2009

STATE OF WASHINGTON
County of Chelan

)
) ss:

On this day personally appeared before me NORMA SHOURED
To me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9/19/09 day of



[Signature]
Notary Public in and for the State of Washington, residing at
CHELAN
My Appointment Expires on 11-29-04

Darla O Russell
Darla O. Russell, Property Owner

Date: 11/25/03

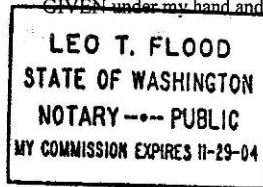
STATE OF WASHINGTON
County of Chelan

)
) ss:

On this day personally appeared before me

To me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25th day of NOVEMBER 2003



Notary Public in and for the State of Washington, residing at

[Signature]
My Appointment Expires on 11/29/04

6.4 Photo log

Photo 1: Front of Facility - from the southeast



Photo 2: East Side of Facility - from the east



Photo 3: West Side of Facility - from the southwest



Photo 4: Southwest Side of Facility – from the southwest

