



Periodic Review

Zip Trip 25
15019 East Trent Avenue
Spokane Valley, Washington 99216

Facility Site ID No. 16421682
Cleanup Site ID No. 5598

Completed by:
Washington State Department of Ecology
Eastern Regional Office
Toxics Cleanup Program

January 2015

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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 assure human health and the environment are being protected at the Zip Trip 25 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 (VCP). The VCP project number was EA0174. The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) in soil that exceeded MTCA Method A cleanup levels established under WAC 173-340-740(2). As a result of residual contamination, institutional controls were implemented for the Site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology conduct a periodic review of a site every five years under the following conditions:

1. Whenever Ecology conducts a cleanup action.
2. Whenever Ecology approves a cleanup action under an order, agreed order or consent decree.
3. Or, as resources permit, whenever Ecology issues a no further action opinion
4. 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 Ecology'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 Ecology 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 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.

Ecology 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 Zip Trip 25 retail petroleum station is located at 15019 East Trent Avenue in the City of Spokane Valley, in Spokane County, Washington. The Site is bounded by Trent Avenue and railroad tracks to the south, storage units and a retail business to the west, and residential properties to the north and east.

Currently, three 10,000-gallon underground storage tanks (USTs) (one regular gasoline, one mid-grade gasoline, and one premium gasoline) are being used at the Site. The Site has been a fuel station since 1979. Site soils consist mostly of sand with silt, and sand and gravel overlying gneiss bedrock. Depth to groundwater is approximately 98 feet below ground surface (bgs) and groundwater flow is to the southwest.

A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

2.2 Site Investigations and Remedial Actions

A pinhole leak in a copper line running from the turbine pump to the fuel dispensers was discovered in February 2008 during an Ecology inspection of the Site. The leak was at the southernmost tank (regular gasoline). In order to assess the extent of the release, the asphalt was cut and two borings were installed with a hand auger. Two samples were collected from the north and south sides of the tank. Although contamination was detected on both sides of tank #1, the highest TPH concentrations were detected on the north side between tank #1 and tank #2 at 3,730 milligrams per kilogram (mg/kg) of gasoline-range petroleum hydrocarbons.

Five soil borings were installed in April 2008 in order to define the extent of contamination. Results from boring NWT-DH-3 indicated contaminated soil extended to a depth of 16 feet bgs. Sample results from the same boring collected from 16-20 feet bgs were below cleanup levels. All other results were non-detect or below cleanup levels; however, not all borings extended to 16 feet bgs.

A VCP Opinion letter was issued in August 2008 indicating that additional borings should be installed to determine the extent of soil contamination at 16 feet bgs. The work plan for the additional borings was approved in November 2008 and the two additional borings were installed in November 2008. Two soil samples were collected from each boring at 12-14 feet and 14-16 feet bgs. None of the samples contained petroleum hydrocarbons at concentrations above laboratory detection limits.

2.3 Institutional Controls

Limited amounts of petroleum hydrocarbons contaminated soils remain in the area of the USTs. Since the extent of the contamination was limited, additional excavation could not be conducted without removing the USTs. Since there was no apparent threat to groundwater, no additional remedial action was taken. It was determined the Site would be eligible for an NFA determination if institutional controls were implemented in the form of an Environmental Covenant (Covenant). The Covenant was recorded for the Site on June 2, 2009, and an NFA determination was issued by Ecology.

The restrictions implemented in the Covenant are listed below.

1. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the subsurface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.
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 a 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.
5. The Owner must restrict leases to uses and activities consistent with the 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 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, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

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8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this 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 Covenant is available as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

3.1.1 Soil

Based upon the Site visit conducted on November 26, 2014, the building, asphalt and concrete surface covers at the Site continue to eliminate direct exposure pathways (ingestion, contact) to contaminated soils. The asphalt and concrete surfaces are cracked in places, but are sufficient to prevent direct contact with contaminated soils. Overall, the Site is in satisfactory condition and no repair, maintenance or contingency actions have been required. The Site remains occupied by a Zip Trip retail petroleum and food mart. A photo log is available as Appendix 6.4.

Remaining TPH concentrations in soil are below residual saturation screening levels, which indicates that contaminated soils are not likely to pose a risk to groundwater quality. Additionally, contaminated soils are located at a sufficient distance from the convenience store structure that they are not likely to pose a vapor intrusion threat to indoor air quality.

3.1.2 Institutional Controls

The Covenant for the Site was recorded and remains active and discoverable through the Spokane County Auditor's Office. There is no evidence a new instrument has been recorded which limits the effectiveness or applicability of the Covenant. This 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 Covenant serves to assure the long term integrity of the remedy and the Site surface cover.

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

Cleanup levels for gasoline-range petroleum hydrocarbons have not changed since remedial actions were conducted at the Site. 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 commercial purposes; it remains occupied by a Zip Trip convenience store. There have been no changes in current or projected future Site or resource uses.

In the event that the UST system is removed or replaced, contaminated soil in the vicinity of tank #1 and tank #2 should be excavated and disposed of properly. If all contamination is removed, as demonstrated by confirmational soil samples, the NFA determination for the Site would no longer be contingent on the presence of the Covenant.

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, the cleanup action is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The 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, Ecology has determined the restrictions in the Covenant are being followed. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure 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

Able Cleanup Technologies, Inc. *Spill Characterization and Sampling Report*. April 21, 2008.

Able Cleanup Technologies, Inc. *Phase II Drilling*. December 16, 2008.

Ecology. *Internal VCP Review Memo*. February 20, 2009.

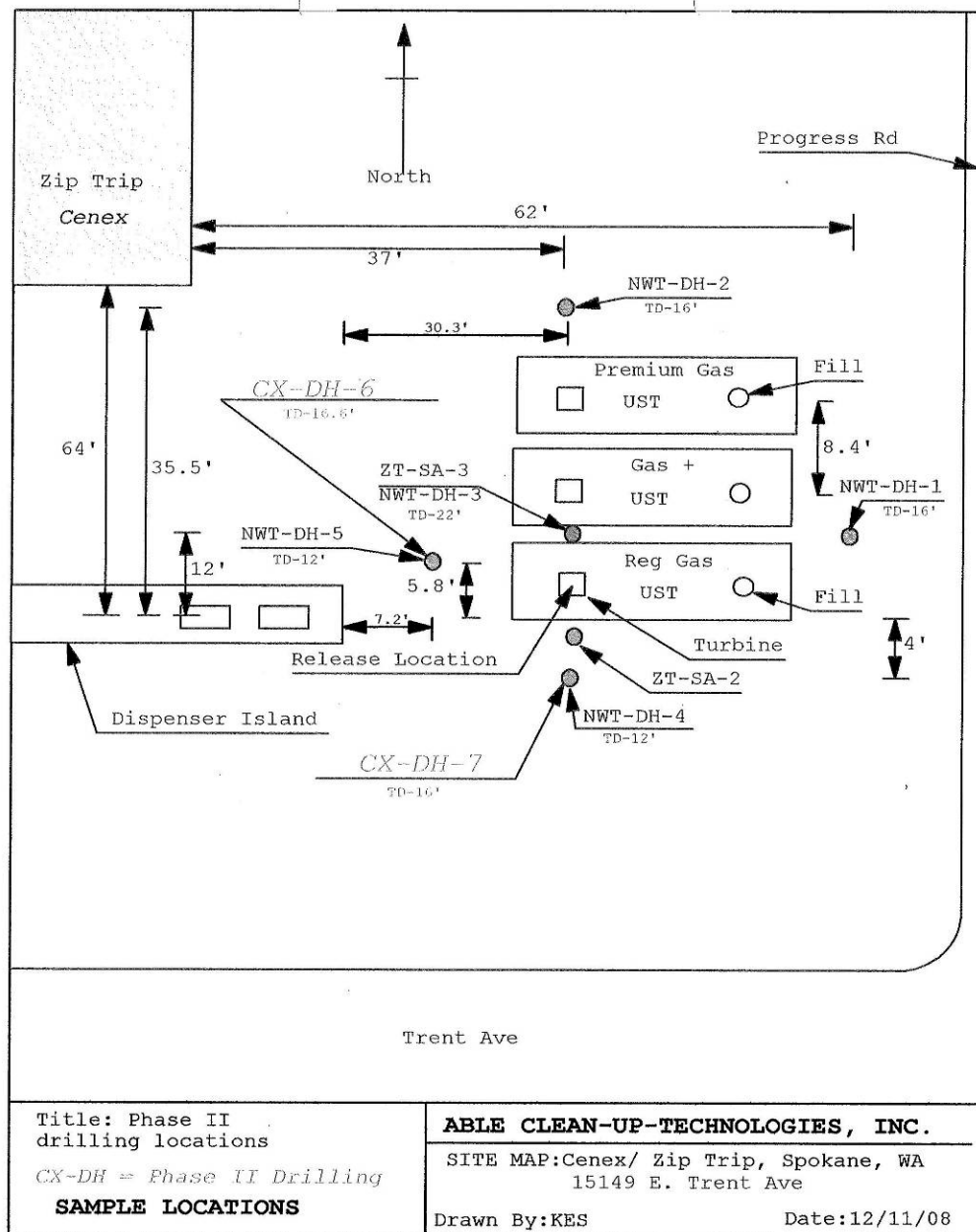
Cenex Petroleum, Inc. *Restrictive Covenant*. June 2, 2009.

Ecology. *No Further Action Letter*. June 23, 2009.

Ecology. *Site Visit*. November 26, 2014.

6.0 APPENDICIES

6.2 Site Plan



6.3 Environmental Covenant

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Recording Fee \$45.00 Page 1 of 4
Covenant DEPARTMENT OF ECOLOGY
Spokane County Washington

5797806



After Recording Return to:
Patti Carter
Department of Ecology
4601 N. Monroe Street
Spokane, WA 99205

Restrictive (Environmental) Covenant

Environmental Covenant

Grantor: Cenex Petroleum, Inc.

Grantee: State of Washington, Department of Ecology

Legal: LOT 1, BLOCK 1, RAY'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 14 OF PLATS, PAGE 91, IN THE CITY OF SPOKANE VALLEY, SPOKANE COUNTY, WASHINGTON

Tax Parcel Nos.: 45021.6301

Grantor, Cenex Petroleum, Inc., hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 5th day of May, 2009 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Cenex Petroleum, Inc., its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following documents:

- o Spill Characterization & Sampling Report, Zip Trip, 15019 East Trent Avenue, Spokane Valley, Washington: Able Clean-up Technologies Inc., April 21, 2008.
- o Work Plan for Zip Trip #25, 15019 East Trent Avenue, Spokane Valley, Washington: Able Clean-up Technologies Inc., October 24, 2008.
- o Phase II Drilling for Zip Trip #25, 15019 East Trent Avenue, Spokane Valley, Washington: Able Clean-up Technologies, Inc., December 16, 2008.

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

This Covenant is required because the Remedial Action resulted in residual concentrations of Petroleum Hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Levels for SOIL established under WAC 173-340-740.

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

LOT 1, BLOCK 1, RAY'S ADDITION, ACCORDING TO PLAT RECORDED IN
VOLUME 14 OF PLATS, PAGE 91, IN THE CITY OF SPOKANE VALLEY,
SPOKANE COUNTY, WASHINGTON

Cenex Petroleum, Inc. 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. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas 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.

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 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 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, to determine compliance with this Covenant, 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 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.

Cenex Petroleum, Inc.

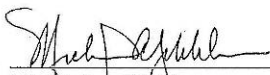


By: Donald Olson

Its: President

Dated: May 5, 2009

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



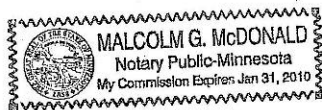
Michael A. Hibbler
Section Manager, Toxics Cleanup Program

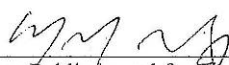
Dated: May 11, 2009

[CORPORATE ACKNOWLEDGMENT]

STATE OF MINNESOTA
COUNTY OF DAKOTA

On this 5th day of May, 2009, I certify that Donald Olson personally appeared before me, acknowledged that he/she is the President of Cenex Petroleum, Inc. the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said corporation.




Notary Public in and for the State of
Minnesota.

My appointment
expires Jan 31, 2010.

6.4 Photo log

Photo 1: Zip Trip 25 - from the east



Photo 2: Zip Trip 25 - from the southwest



Photo 3: UST Pad - from the east



Photo 4: UST Pad and Residual Contamination Area – from the west

