



## **Second Periodic Review**

Martin Wood Products Property  
2105 North Airport Street  
Spokane, Washington 99212

FS ID#: 64145388  
Cleanup Site ID#: 3011

Prepared by:  
Washington State Department of Ecology  
Eastern Region Office  
Toxics Cleanup Program

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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 Martin Wood Products Property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in August 2009. This periodic review will evaluate the period from August 2009 through November 2014.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) that exceeded MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). It was determined that institutional controls in the form of a Restrictive Covenant (Covenant) would be required for the site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology to 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 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 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 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.

- (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 Martin Wood Products Site is located at 2105 North Airport Street in the City of Spokane in Spokane County, Washington. The Site is bordered by railroad tracks and residential properties to the south, and Spokane International Airport (Felts Field) property to the north. A vicinity map is available as Appendix 6.1 and a site plan is available as Appendix 6.2.

In the late 1940s the Site was occupied by an aluminum roofing, siding, and house trim manufacturing company. An electrical transmission line contractor operated at the Site from approximately 1955 to 1987. Other tenants that have occupied portions of the Site include autobody repair and painting shop and an asphalt maintenance company.

Operations of the Site since 1987 have included M&M Autobody occupying the southeastern portion of the building and northern portion of the property (used for car storage) and the Pavement Maintenance Corporation occupying the remainder of the building and a large open face building on the western portion of the property.

In June 1999, all Site buildings were demolished. Following remedial activities at the Site, a bulk propane distribution facility was constructed at the Site, which remains today.

### **2.2 Site Investigations and Remedial Actions**

In September 1997, the Spokane International Airport (SIA) contracted with EMCON of Spokane, Washington to conduct a Phase I Environmental Site Assessment and limited Phase II soil investigation at the Site. At the time of the EMCON investigations, the property was occupied by the Pavement Maintenance Corporation and M&M Autobody and Painting shop. The EMCON Phase I concluded that there was a low potential for environmental impact from off-site sources. However, several areas of potential contamination were identified on-site including:

- Drum storage areas
- Former UST location
- Asphalt stockpiles
- Above ground storage tanks
- Interior floor drain
- Auto and equipment storage
- Miscellaneous areas of general staining.

Nine test pits were advanced in 1997 as part of the Phase II soils investigation. Samples from the test pits documented several locations of shallow petroleum contamination above MTCA Method A cleanup criteria. In addition, polychlorinated biphenyls (PCBs) were detected in the interior floor drain area, but at levels below MTCA Method A cleanup criteria. EMCON recommended that additional soil sampling be conducted in the floor drain area.

In October 1998 EMCON excavated the floor drain area to approximately three feet below ground surface (bgs). The drain appeared to discharge directly to native soil. No piping was observed. A sample was collected from the bottom of the excavation and analyzed for TPH as gasoline, diesel, oil range hydrocarbons, BTEX (benzene, toluene, ethylbenzene, and xylene), cadmium, lead, and PCBs. Results indicated the presence of diesel at a concentration of 1,840 milligrams per kilogram (mg/kg) and oil at a concentration of 443 mg/kg. These results exceeded applicable cleanup levels at the time, but are below current MTCA Method A cleanup levels. All other results were non-detect or below cleanup levels. PCBs were not detected.

In February 1999, Fulcrum Environmental Consulting (Fulcrum) was contracted by SIA to conduct a subsurface investigation of specific locations of concern identified in the EMCON report. At the time of this investigation, Rob's Demolition of Spokane was contracted to demolish and remove all onsite structures. Fulcrum's investigation concentrated on test pits identified in the EMCON report as having TPH concentrations above MTCA Method A cleanup criteria. Fulcrum's investigation collected soil samples at depths sufficient to document underlying clean native soils. Samples collected from Test Pit 3 contained TPH concentrations above 200 mg/kg as diesel. This area was re-excavated to five feet bgs and an additional sample collected from the bottom of the excavation indicated that any remaining contamination was below MTCA Method A cleanup levels.

One location along the railroad line revealed previously undocumented buried garbage and elevated diesel-range TPH contamination. Soil was excavated to approximately 15 feet bgs, but samples collected from the limits of the excavation indicated that TPH as oil was present at concentrations up to 2,660 mg/kg. Due to the close proximity to the rail line, additional excavation could not be conducted. This rail line over the contamination is a spur off of the main line and is used to offload petroleum gas products from rail cars to on-site storage.

In April 2000, Fulcrum conducted additional soil sampling at the northern portion of the property. Some stained soils were stockpiled and sampled for lead and TPH as diesel and heavy oil. Sample results did not indicate the presence of contamination above MTCA Method A cleanup levels.

## 2.3 Cleanup Levels and Points of Compliance

WAC 173-340-704 states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be 'routine', few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance. The current MTCA Method A cleanup level for TPH-G is 30 mg/kg with benzene present and 100 mg/kg when benzene is not present. Cleanup levels for TPH-D and TPH-O are both 2000 mg/kg.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is established as soils throughout the Site.

### 2.3.1 Restrictive Covenant

It was determined the Site would be eligible for an NFA determination if institutional controls were used to document and protect remaining contamination that extended under the rail line. In 2000, a Covenant was recorded for the Site and an NFA letter was sent to the property owner. The site status was changed to reflect an NFA determination.

The Covenant recorded for the Site in 2000 imposes the following limitations:

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 is prohibited.
2. Any activity that may interfere with the integrity of the remedial action is prohibited.
3. Any activity that may result in the release of a hazardous substance 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 consistent with the Covenant.
6. The owner or successor owner must notify and obtain approval from Ecology prior to any use of the Site that is inconsistent with the terms of the 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.

A copy of the Covenant is available as Appendix 6.3.

## **3.0 PERIODIC REVIEW**

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

During the Site visit conducted on October 23, 2014, there were no indications the integrity of the remedial action has been compromised. There were no indications of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a bulk petroleum gas distributor, and is adjacent to an active rail line. A photo log is available as Appendix 6.4.

#### **3.1.1 Direct Contact**

Cleanup actions at the Site were intended to eliminate human exposure to contaminated soils and groundwater at the Site. Exposure pathways to contaminated soils (ingestion, direct contact) were reduced by remedial excavation and by the presence of an active rail line with compacted soil, rock and gravel clean soil at the surface. Additionally, the Site is fenced and restricted from access by the general public.

#### **3.1.2 Institutional Controls**

The Covenant for the Site was recorded and remains active. 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 surface cover.

### **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**

This cleanup is governed by Chapter 173-340 WAC (1996 ed.). This regulation was amended in 2001. Although TPH cleanup levels changed as a result of this modification, Site cleanup levels determined for the Site will not change. WAC 173-340-702(12) (c) [2001 ed.] states:

“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.”

Cleanup levels changed for gasoline, diesel, and volatile organic compounds as a result of modifications to MTCA in 2001; however, TPH-D contamination remains at the Site above current MTCA Method A cleanup level of 2,000 mg/kg, 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 and industrial 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, the cleanup action for the Property 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 requirements of 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

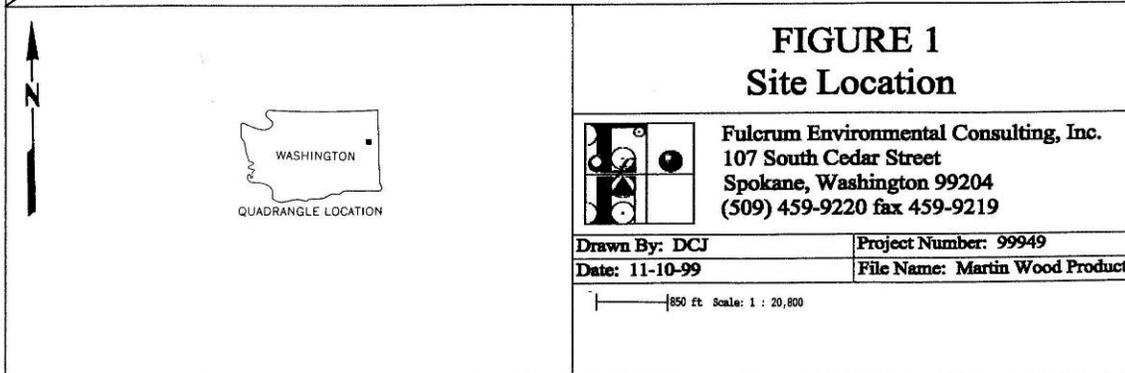
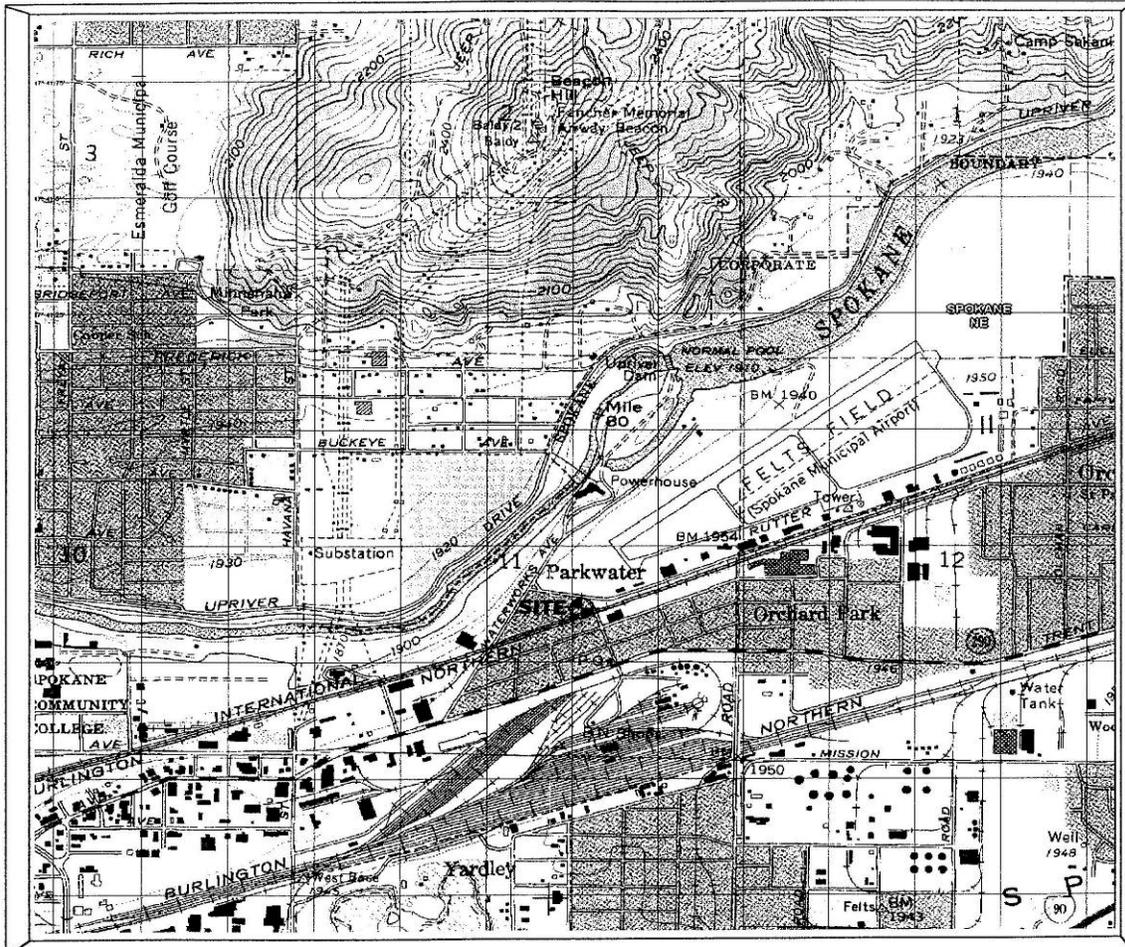
The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

## 5.0 REFERENCES

- EMCON. *Phase I Environmental Site Assessment and Phase II Limited Soil Investigation Report*. October 27, 1997.
- Fulcrum Environmental Consulting, Inc. *Independent Remedial Action Report*. January 5, 2000.
- Ecology. *VCP Review of Martin Wood Products*. April 13, 2000.
- Fulcrum Environmental Consulting, Inc. *Soil Sampling at Suspect Location within Martin Wood Products Site*. May 24, 2000.
- Ecology. *Restrictive Covenant*. 2001.
- Ecology. *Periodic Review*. August 2009.
- Ecology. *Site Visit*. October 23, 2014.

## **6.0 APPENDICIES**

## 6.1 Vicinity Map





### 6.3 Restrictive Covenant

TCP/II Martin Wood Products  
Spokane

THIS IS A TRUE AND CERTIFIED COPY  
OF THE ORIGINAL DOCUMENT  
RECORDED 8-2-02 at 4:23  
AUDITOR'S FILE NO. 4303892  
By Cathy Blush  
First American Title Company of Spokane

**AFTER RECORDING MAIL TO:**  
Name Village Square Realty  
Address 2901 North Argonne HS  
City / State Spokane WA 99214  
Attn: Don Huddleston

**Document Title(s):** (or transactions contained therein)  
1. Restrictive Covenant  
2.  
3.  
4.

**Reference Number(s) of Documents assigned or released:**  
 Additional numbers on page \_\_\_\_\_ of document

 **First American Title Insurance Company**  
M-34156-CB  
(this space for title company use only)

**Grantor(s):** (Last name first, then first name and initials)  
1. City of Spokane  
2. Spokane County  
3. Spokane International Airport  
4.  
5.  Additional names on page \_\_\_\_\_ of document

**Grantee(s):** (Last name first, then first name and initials)  
1.  
2.  
3.  
4.  
5.  Additional names on page \_\_\_\_\_ of document

**Abbreviated Legal Description as follows:** (i.e. lot/block/plat or section/township/range/quarter/quarter)  
L01 Bk 34  
lots 1-5 Bk 41 Parkwater  
 Complete legal description is on page 102 of document

**Assessor's Property Tax Parcel / Account Number(s):**  
35114.0101, 35114.0301

(4)

**NOTE:** The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

RESTRICTIVE COVENANT

The City of Spokane and The County of Spokane, The Spokane International Airports. The property herein described and located at Felts Field Spokane, Washington.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (l) (f) and (g) and WAC 173-340-440 by The City of Spokane and The County of Spokane, The Spokane International Airports., 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 [s]:

1. Soil Sampling as Suspect Location within Martin Wood Products Site, 2105 North Airport Street, Spokane, Washington: Fulcrum Environmental Consulting, Inc., May 24, 2000
2. Independent Remedial Action Report, Martin Wood Products Site, 2105 North Airport Street, Spokane, Washington: Fulcrum Environmental Consulting, Inc., January 5, 2000
3. Phase I Environmental Site Assessment and Phase II Limited Soil Investigation Report, Martin Wood Products Property, 2105 North Airport Street, Spokane, Washington: EMCON, October 29, 1997.

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

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil Established under WAC 173-340-740.

The undersigned, The City of Spokane and The County of Spokane, The Spokane International Airports., is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described Spokane County Tax Parcel #'s 35114.0101 and 35114.0301; Lot 1 Block 34 and Lots 1-5 inclusive Block 41 Parkwater. Also that portion of Crest Avenue (now Hutton Avenue) now vacated lying between Lot 1 in said Block 34 on the North and Lots 1-4 inclusive in Block 34 on the south and the southerly 25 feet of that part of said vacated

street abutting Lot 5 in Block 41, City of Spokane, State of Washington. This covenant applies to Lots 2, 3 & 4 of Block of Block 41 Parkwater.

The City of Spokane and The County of Spokane, The Spokane International Airports, 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, or any activities that may cause migration of the hazardous substances.

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.

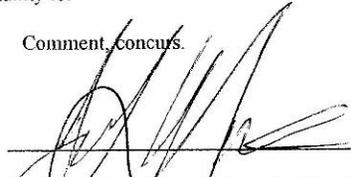
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after

public notice and comment.

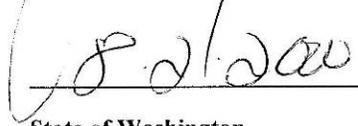
Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial 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.

  
\_\_\_\_\_

Spokane International Airports, John G. Morrison; CEO/Executive Director

  
\_\_\_\_\_

State of Washington

County of Spokane

On this day personally appeared before me John G. MORRISON To me known to be the individual \_\_\_\_\_ Described in and who executed the within and foregoing instrument, and acknowledged that He signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given Under My Hand and Official Seal this 2 Day of August, 2000.

  
\_\_\_\_\_

Notary Public in and for the State of Washington

residing at Spokane



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## 6.4 Photo log

**Photo 1: Martin Wood Products Site - from the northeast**



**Photo 2: Train Tracks along Martin Wood Products Site - from the east**



**Photo 3: West End of Site - from the west**



**Photo 4: Site Entrance – from the north**

