Periodic Review

Corner Express (Texaco)
1131 Morgan Street
Davenport, Washington 99122

FS ID#: 85214652
Cleanup Site ID#: 7310

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

February 2015

1.0 INTRODUCTION....1
2.0 SUMMARY OF SITE CONDITIONS....3
2.1 Site History....3
2.2 Site Investigations and Remedial Actions....3
2.3 Remedial Actions....4
2.3.1 UST Removal....4
2.3.2 Groundwater Treatment System Installation....5
2.3.3 Groundwater Monitoring....5
2.4 Cleanup Levels and Points of Compliance....7
2.5 Restrictive Covenant....7
3.0 PERIODIC REVIEW....9
3.1 Effectiveness of completed cleanup actions....9
3.1.1 Direct Contact....9
3.1.2 Groundwater....9
3.1.3 Institutional Controls....10
3.2 New scientific information for individual hazardous substances for mixtures present at the Site....11
3.3 New applicable state and federal laws for hazardous substances present at the Site....11
3.4 Current and projected Site use....11
3.5 Availability and practicability of higher preference technologies....11
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels 11
4.0 CONCLUSIONS....12
4.1 NEXT REVIEW....12
5.0 REFERENCES....13
6.0 APPENDICIES....14
6.1 Vicinity Map....15
6.2 Site Plan....16
6.3 Restrictive Covenant....17
6.4 Photo log....21

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 Corner Express (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 are being conducted under Enforcement Order No. 02TCPER-4991. The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) that exceeded MTCA Method A cleanup levels for soil and groundwater. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). It was determined that institutional controls in the form of a Restrictive Covenant (Covenant) were required at the Site due to the continued presence of contaminated soil and groundwater. 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 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 Corner Express Site is located at 1131 Morgan Street in the City of Davenport in Lincoln County, Washington. The Site is bordered by State Highway 2 to the north, and residential homes and apartments to the west, east and south. A grocery store and commercial buildings are located on the north side of Highway 2.

Existing structures at the Site include a slab-on-grade retail petroleum service station structure which was remodeled to include use as a convenience store. A small masonry addition has been added to the south of the building for refrigeration. A pump island with two dispensers is located to the north of the building under a canopy. The USTs are located beneath a concrete slab to the northwest of the building as illustrated on the Site Plan.

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

There are five (5) underground storage tanks (USTs) at this Site. In June 2000, Ecology advised the Potentially Liable Person (PLP), Marvin Bain, of non-compliance issues regarding these tanks. In these letters Ecology provided a Notice of Correction and a Compliance Schedule for the tanks to be brought into compliance. Ecology received no response.

In December 2000 Ecology learned of the discovery of gasoline, as free product, in a groundwater monitoring well located less than 100' north and hydraulically downgradient of the Site. This well had been installed as part of a Remedial Investigation at a gasoline station which formerly operated directly northeast of Corner Express.

Ecology issued Emergency Enforcement Order No. DE00TCPER-1901 for the Site in December 2000. This Order directed Marvin Bain to address the potential threat of a continuing release from the UST system by removing all product from the tanks and distribution lines and inspecting the system for any obvious system failures. The limited investigation included a review of inventory records and service, repair, and system testing records.

The investigation conducted under the December 2000 Order resolved the immediate threat posed by petroleum product remaining in the UST system, but it was inconclusive regarding any historical or recent release at the Site.

In Apri1 2001 Ecology issued Enforcement Order No. 01TCPER-2689. This order directed Marvin Bain to complete a Site Assessment to determine if there had been a release at the Corner Express Site. The Order also provided that in the event a release was confirmed, Marvin Bain

would complete a Remedial Investigation/Feasibility Study (RI/FS) to determine the nature and extent of any release and to identify and evaluate appropriate methods of remediation.

In response to this order, a Site Assessment/Investigation was completed by Budinger & Associates, Inc. in June 2001. This investigation included drilling of soil borings and the installation of three monitoring wells. This investigation identified petroleum contamination in soil and groundwater at the subject property.

As a result of that investigation Ecology determined that there had been a release(s) of petroleum hydrocarbons associated with the UST system at this Site to soils and groundwater. The Enforcement Order required additional subsurface exploration and analysis to characterize the nature and extent of soil and groundwater contamination and complete an RI/FS.

This work was undertaken in the late fall of 2001. It included additional soil borings and installation of three additional monitoring wells. The results identified a limited area of soil contamination surrounding the UST system and a larger area of impact to groundwater. The final RI/FS was submitted to Ecology in January 2002. It included a brief evaluation of the types and feasibility of various remedial options for the Site.

Ecology developed a Final Cleanup Action Plan (CAP) for the Site and issued Enforcement Order No. 02TCPER-4991 on January 22, 2003, requiring Marvin Bain to implement the Final Cleanup Action Plan. The plan includes the following actions:

- Removal of the UST system and related piping to the point it enters the pump island.
- Excavation and proper disposal of petroleum contaminated soils encountered during UST system removal.
- Installation of a groundwater air sparge system and soil vapor extraction system.
- Backfilling the excavation with appropriate materials and providing an impervious cover.
- Implementing quarterly sampling and chemical analysis of groundwater until remediation is complete.
- Imposing a restrictive covenant to ensure that future activity at the Site does not adversely impact the remedial action or cause further release or migration of contaminants.

2.3 Remedial Actions

2.3.1 UST Removal

The remedial actions designated in the CAP were initiated in July 2003. During UST removal, it was observed that some of the soils removed from above the south end of the western gasoline tank and above the center of the eastern gasoline tank exhibited indications of petroleum contamination. These soils were stockpiled separately from the rest of the overlying fill material. Soils beginning at 6-8 feet below ground surface (bgs) within the UST excavation and those

encountered along the piping trench also exhibited petroleum odor and discoloration. Groundwater in the excavation exhibited minor petroleum sheen.

The loose soils about the perimeter and bottom of the excavation were removed until relatively competent fractured rock remained at an average depth of 12 feet bgs. Evidence of petroleum contamination was observed in the basalt in the northeast comer of the excavation, bottom of the excavations, and below a depth of about 6-8 feet bgs throughout the remaining perimeter of the excavation.

A total of 237 tons of petroleum contaminated soils were hauled off-site for disposal. Approximately 150 cubic yards of unaffected overburden were returned to the UST excavation as backfill.

Confirmational soil samples were collected from loose soils remaining at the limits of the excavation. Laboratory analysis indicated the presence of gasoline and diesel-range petroleum contamination at concentrations exceeding MTCA Method A cleanup levels; however, the excavation terminated in basalt bedrock, and these samples were collected from residual loose soils and are not necessarily representative of contaminant concentrations remaining in the surrounding fractured bedrock.

2.3.2 Groundwater Treatment System Installation

Due to the presence of shallow bedrock at the Site, additional remedial excavation was not feasible. Per the CAP, a groundwater treatment system was installed during the backfill of the UST excavation. The system consisted of perforated drainpipe to collect groundwater, which was discharged into a sump and pumped to the surface prior to re-infiltration. The sump is connected to infiltration piping on the upgradient side of the excavation. As a result, the treatment system continually extracts and re-infiltrates groundwater from the former tank pit, serving to flush and hydraulically control groundwater. Additional perforated piping was installed for soil vapor extraction. The system was designed so that groundwater could be extracted and discharged from multiple points in the excavation, and soil vapor extraction piping could be used for both vapor extraction and soil aeration.

2.3.3 Groundwater Monitoring

Groundwater monitoring has been conducted semi-annually, at a minimum, since monitoring wells were installed at the Site in 2001. Monitoring wells MW-2, MW-5, MW-8 and MW-13 are used to evaluate Site cleanup performance. MW-30 serves as a perimeter well to verify that contamination is not leaving the Site.

Tables with average annual benzene and TPH-G concentrations for each well are available below:

Average Annual Benzene Concentrations(ppm)					
	MW-2	MW-5	MW-8	MW-13	MW-30
2003	77.0	135.5	567.5	69.0	146.7
2004	28.7	165.3	633.3	92.3	187.3
2005	79.2	164.5	516.0	103.0	149.3
2006	23.0	77.7	545.0	47.8	51.3
2007	14.3	116.6	620.0	36.0	41.3
2008	14.0	70.5	570.0	40.5	25.5
2009	9.0	58.0	550.0	43.0	7.0
2010	3.5	505.0	550.0	24.5	10.5
2011	4.5	140.0	440.0	59.5	5.6
2012	0.2	140.0	148.0	32.7	0.3
2013	0.8	185.0	224.5	19.0	0.3
2014	0.3	137.3	366.7	6.5	0.9

Average Annual TPH-G Concentrations (ppm)					
	MW-2	MW-5	MW-8	MW-13	MW-30
2003	7966.7	8366.7	2900.0	2700.0	5333.3
2004	8433.3	7433.3	3433.3	4600.0	1993.3
2005	10800.0	9166.7	3501.3	6433.3	2400.0
2006	5050.0	11420.0	3450.0	2700.0	3675.0
2007	13266.7	14333.3	5100.0	2933.3	4100.0
2008	8550.0	10200.0	5050.0	2500.0	1450.0
2009	6900.0	8400.0	5400.0	2300.0	850.0
2010	6200.0	12500.0	5566.7	1550.0	710.0
2011	10000.0	7600.0	3500.0	5450.0	920.0
2012	1115.0	7600.0	2950.0	5166.7	175.0
2013	4050.0	8450.0	4000.0	4200.0	50.0
2014	1995.0	8850.0	3300.0	5350.0	435.0

Groundwater monitoring data is discussed in section 3.1.2. Groundwater monitoring will continue at the Site, per the CAP and Enforcement Order No. 02TCPER-4991, until remediation is complete at the Site.

2.4 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 in soil 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. The current MTCA Method A cleanup level for TPH-G in groundwater is 800 micrograms per liter (ug/L) with benzene present and 1000 ug/L when benzene is not present. The cleanup level for benzene is 5 ug/L.

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.

Because the highest beneficial use of groundwater from the Site is as a potential future source of drinking water, the standard point of compliance for groundwater is appropriate for this Site. The standard point of compliance is established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

2.5 Restrictive Covenant

Due to the limited effectiveness of the groundwater treatment system at reducing contaminant concentrations and the extended period of performance monitoring at the Site, it was determined that institutional controls should be implemented in the form of an environmental covenant to prevent interim exposure to contaminated soil and groundwater. A covenant was recorded for the Site in 2014 with the following restrictions:

1.
    a. No groundwater may be taken for any use from the Property.
    b. A portion of the Property contains petroleum hydrocarbon contaminated soil, some of which may be located under the building on this Property. 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 that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
    c. 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/paved 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.

2. Any activity on 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 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.
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

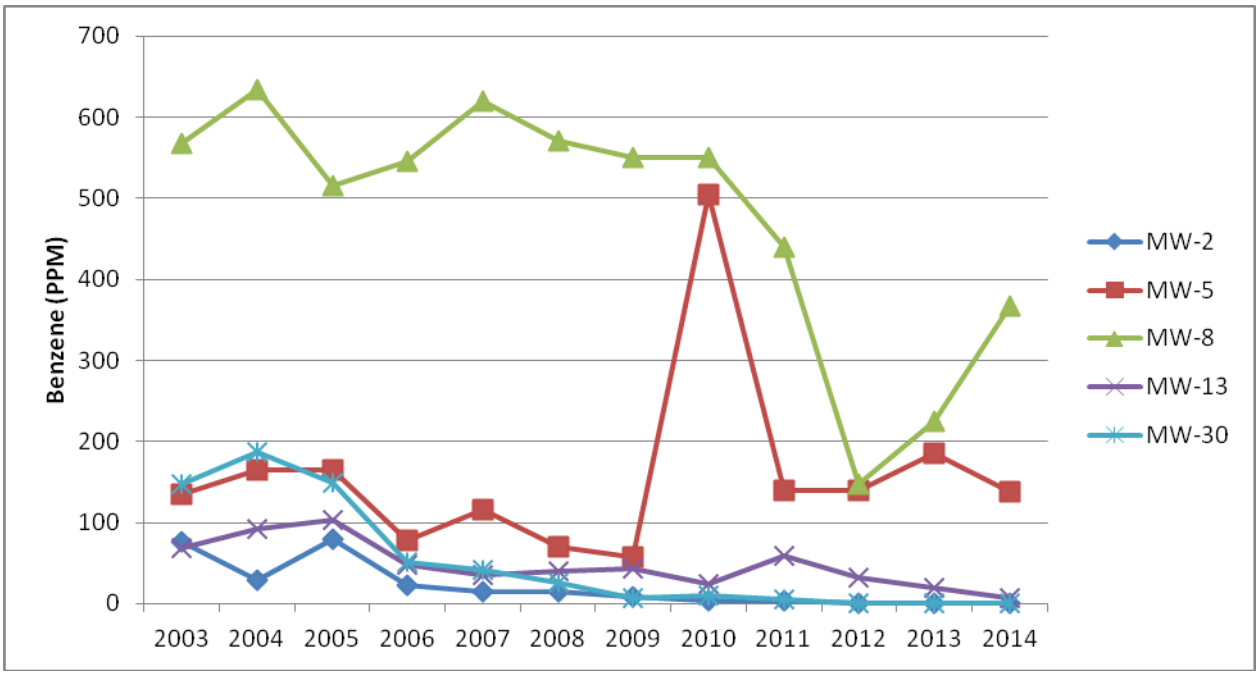
During the Site visit conducted on October 23, 2014, there were no indications that the integrity of the remedial action has been compromised. There were no indications of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a retail petroleum station and food mart. A photo log is available as Appendix 6.4.

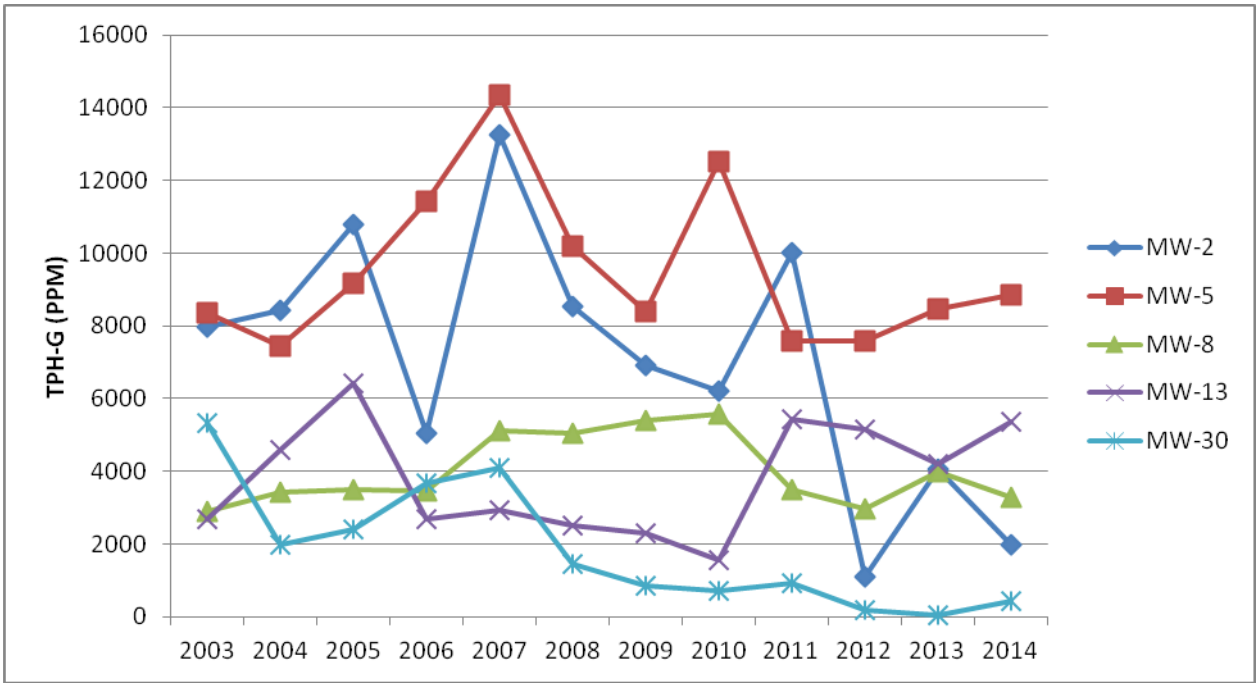
3.1.1 Direct Contact

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 impermeable Site surface. Some evidence of cracking and degradation of the asphalt surface was observed during the Site visit; however, the asphalt surface is only required to prevent physical contact with contaminated soils and is not intended to be impermeable to prevent infiltration.

3.1.2 Groundwater

The most recent groundwater sampling event conducted in September 2014 indicates that several wells at the Site still contain concentrations of TPH-G and benzene exceeding MTCA Method A cleanup levels. The charts below contain the average annual concentration trends of benzene and TPH-G in monitoring wells MW-2, MW-5, MW-8, MW-13 and MW-30.





The groundwater treatment system continues to operate at the Site; however, this system appears to primarily serve to prevent migration of contamination and has not been overly effective at reducing contaminant concentrations. The system effectively recycles groundwater through the former tank pit and provides some degree of hydraulic control over contaminated groundwater. The tank pit acts as a bathtub; a depression in the surrounding bedrock.

Benzene remains in groundwater over ten years after the Site USTs were removed and the treatment system was implemented. Wells MW-5 and MW-8, which are both downgradient of the former tank pit, both continue to show fluctuations in benzene concentrations well above MTCA Method A cleanup levels that indicate source material remains at the Site. However, the perimeter well, MW-30, demonstrated decreasing benzene concentrations from 2003 through 2011 and has remained clean since 2011. This indicates that the plume of contaminated groundwater appears stable or shrinking, and is not migrating off-site; therefore, it does not currently pose a threat to human health or the environment.

3.1.3 Institutional Controls

The environmental 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. Most importantly, the covenant prevents the extraction and use of groundwater from the Site. This covenant serves to prevent exposure to

contaminated groundwater and to assure the long term integrity of the surface cover, effectively preventing exposure to residual contaminated soils.

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

Cleanup levels for gasoline-range petroleum hydrocarbons and relevant volatile organic compounds 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 currently operates as a retail petroleum station and food mart. 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 a soil and groundwater treatment system and containment of hazardous substances. It continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable or economically feasible 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 are currently 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.
- Groundwater cleanup levels have not been met at the Site; however, the contaminated groundwater plume is stable or shrinking and is not migrating off-site. Institutional controls prevent the extraction and exposure of contaminated groundwater beneath the Site.
- The environmental covenant for the property is in place and continues to 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 environmental 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.

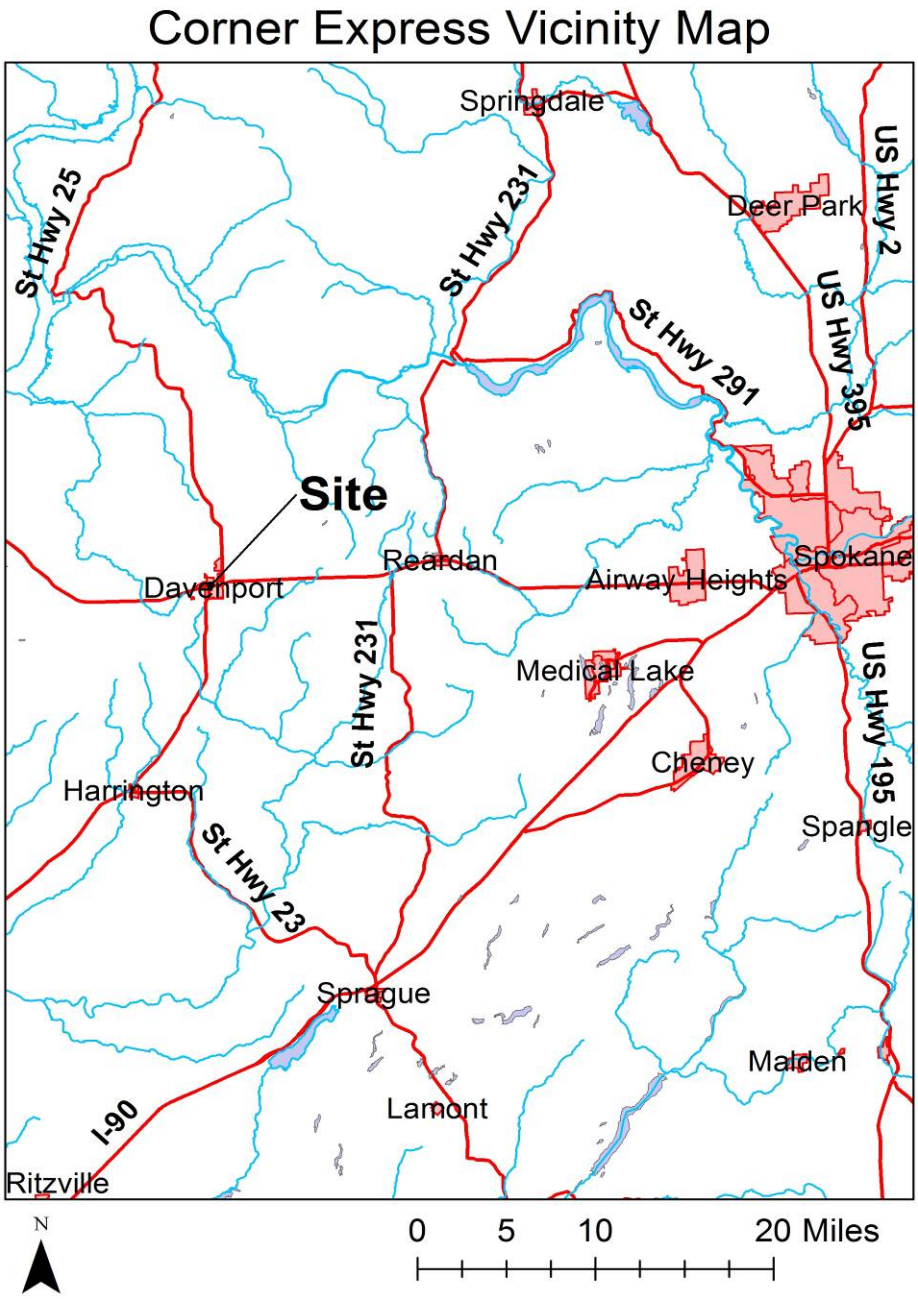
4.1 NEXT REVIEW

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.

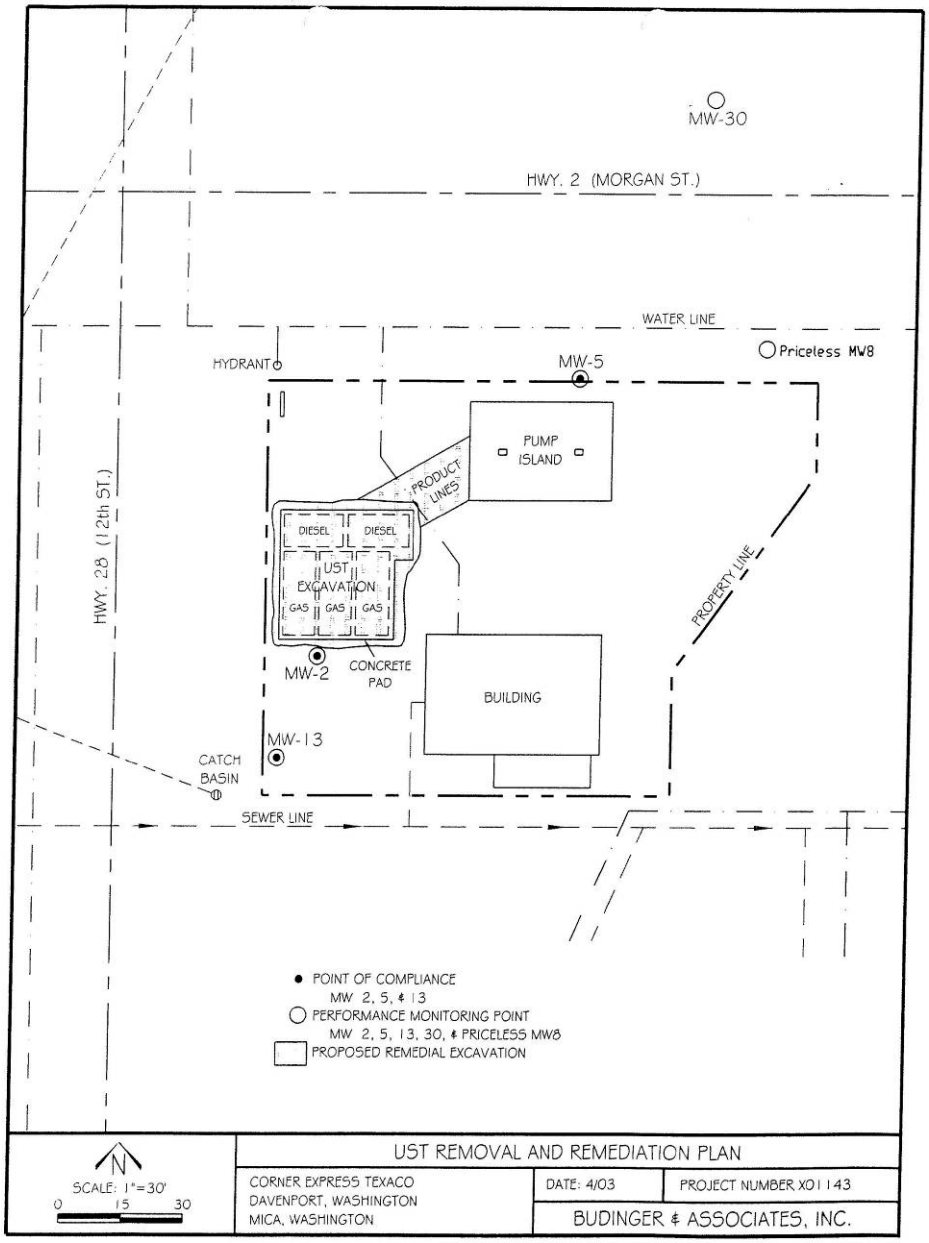
5.0 REFERENCES

6.0 APPENDICIES

6.1 Vicinity Map



6.2 Site Plan


MW-30
HWY. 2 (MORGAN ST.)
WATER LINE
Priceless MW8
HYDRANT
MW-5
PUMP ISLAND
PRODUCT LINES
HWY. 28 (12th ST.)
DIESEL
DIESEL
UST EXCAVATION
GAS
GAS
GAS
PROPERTY LINE
MW-2
CONCRETE PAD
BUILDING
MW-13
CATCH BASIN
SEWER LINE
POINT OF COMPLIANCE MW 2, 5, & 13
PERFORMANCE MONITORING POINT MW 2, 5, 13, 30, & PRICELESS MW8
PROPOSED REMEDIAL EXCAVATION
N
SCALE: 1"=30'
0 15 30
UST REMOVAL AND REMEDIATION PLAN
CORNER EXPRESS TEXACO
DAVENPORT, WASHINGTON
MICA, WASHINGTON
DATE: 4/03
PROJECT NUMBER X01143
BUDINGER & ASSOCIATES, INC.

6.3 Restrictive Covenant

Auditor File #: 2014 0466092
COVEN
Recorded at the request of:
M.H.A.R.LLC
on 01/14/2014 at 13:07
Total of 4 page(s) Fee: $ 75.00
LINCOLN COUNTY, WASHINGTON
SHELLY JOHNSTON, AUDITOR

After Recording Return to:
Michael Boatsman
Department of Ecology
4601 N. Monroe
Spokane, WA 99205

Environmental Covenant

Grantor: M.H.A.R. LLC

Grantee: State of Washington, Department of Ecology

Legal: Lots 1 and 2 and the North ½ of Lot 3, Block 31 of Timmon's 2nd Addition, Town of Davenport, Lincoln County, Washington.

Tax Parcel No.: 0310031001000

Grantor, M.H.A.R.LLC, 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 10 day of JAN, 2014 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 M.H.A.R.LLC, 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 document:

2014 0466092 PAGE 1 OF 4
LINCOLN COUNTY, WASHINGTON

VOL 109 PAGE 3722

Corner Express Texaco (former) Cleanup Action Work Plan, dated June 5, 2003. This document is 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 and for GROUNDWATER as established under WAC 173-340-720.

The undersigned, Ranvir Nagra, as representative of M.H.A.R. LLC, is the fee owner of real property in the County of Lincoln, State of Washington, that is subject to this Covenant. The Property is legally described AS FOLLOWS: **Lots 1 and 2 and the North ½ of Lot 3, Block 31 of Timmon's 2nd Addition, Town of Davenport, Lincoln County, Washington.**

M.H.A.R. LLC 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.

Section 1.

- No groundwater may be taken for any use from the Property.
- A portion of the Property contains petroleum hydrocarbon contaminated soil, some of which may be located under the building on this Property. 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 that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
- 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/paved 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 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.

for M.H.A.R. LLC

Ranvir Singh Nagra

Ranvir Nagra
Representative

Dated: 1-10-2014

STATE OF Utah
COUNTY OF Spokane

On this 10th day of January, 2014, I certify that Ranvir Nagra personally appeared before me, acknowledged that he is the Representative of 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 was authorized to execute said instrument for said corporation.

Notary Public
State of Washington
KAREN ANN VAN EATON
MY COMMISSION EXPIRES
NOVEMBER 05, 2017

Karen Ann VanEaton

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

My appointment expires 11-5-2017.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Michael A. Hibbler
Section Manager, Toxics Cleanup Program
Eastern Regional Office

Dated: 1-10-14

2014 0466092 PAGE 4 OF 4
LINCOLN COUNTY, WASHINGTON

VOL 109 PAGE 3725

6.4 Photo log

Photo 1: Corner Express Site - from the west

Photo 2: Tank Pit and Pump Island - from the southwest

Photo 3: MW-8 and Storefront - from the northeast

Photo 4: Pump Island – from the east