



Second Periodic Review

Columbia East Commercial Park
2250 North Commercial Avenue
Pasco, Washington 99301

Facility Site ID#: 39932727
Cleanup Site ID#: 3142

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 Columbia East Commercial Park site (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 February 2010. This periodic review will evaluate the period from February 2010 through April 2015.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP) with VCP Project No. EA0037. MTCA Method C cleanup levels were used for the Site, which require the implementation of institutional controls for the Site to be eligible for a No Further Action (NFA) determination. The MTCA Method C cleanup levels for soil are established under WAC 173-340-745(5). 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 Columbia East Commercial Park Site is located on Commercial Avenue in the City of Pasco in Franklin County, Washington. The Site is owned by the City of Pasco and is currently undeveloped. During a Phase I Environmental Site Assessment (ESA), it was discovered that a portion of the property may have been associated with or near an abandoned solid waste landfill. The landfill reportedly operated during the 1940s and early 1950s, and used surface incineration for the disposal of solid waste. There are no known disposal records, but it appears that typical municipal solid waste was disposed in the landfill. Review of historical aerial photographs appears to indicate that the landfill was located west of the Site.

The property is located within the Corporate Limits of the City of Pasco. The city 20-year master development plan designates this property and all other properties within the Columbia East Commercial Park as Light Industrial Development. Portions of the Columbia East Commercial Park are currently occupied by commercial tenants. Developed properties within the commercial park are required to connect to existing potable water and sanitary waste water disposal systems operated by the City of Pasco. Adjacent properties are zoned either light industrial or general business.

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

2.2 Site Investigations

During the ESA, solid waste debris was identified on the surface of the property. As a result, near surface areas were excavated to determine the extent of solid waste. Subsurface observations identified fragments of glass, pottery, and small pieces of melted glass to a depth of approximately 5 feet. Three soil samples were collected and analyzed for volatile and semi-volatile organic compounds and metals. Results indicated concentrations of arsenic, cadmium, lead, and chrysene in soil exceeding Method A or Method B cleanup levels. However, all sample results for arsenic, cadmium, and chrysene were below Method C Industrial soil levels. Two soil samples exceeded the Method C Industrial soil level for of 1000 milligrams per kilogram (mg/kg) for lead (1350 and 1950 mg/kg, respectively). One of these soil samples was also analyzed for lead using the toxic characteristic leaching procedure; results indicated that the lead is non-leachable.

A sampling grid was installed over portions of the property where the ESA Phase I results indicated potential contamination. Thirty-eight additional soil samples were collected and analyzed for lead. Samples were collected between 1.5 – 5 feet below ground surface, depending on the location of the waste material. Sample results indicated that concentrations of lead exceeded the Method A cleanup level of 250 mg/kg in only four of the soil samples.

Concentrations ranged from 280 – 540 mg/kg; however, these concentrations are below the Method C industrial cleanup level.

Based on these results, Ecology's statistical guidance, MTCASat, was applied to the data. Of the 41 soil samples collected, two samples exceeded the industrial level of 1000 mg/kg for lead, which was less than 5 percent of total samples. The highest concentration of lead was 1950 mg/kg, which was less than two times the industrial cleanup level for lead in soil. The 95th percentile was calculated using MTCASat; results indicated the 95th percentile value for the Site is 911 mg/kg.

2.3 Cleanup Levels and Points of Compliance

The NFA determination issued for this Site used MTCA Method C industrial soil cleanup levels to determine whether the Site was protective of human health and the environment. The use of MTCA Method C cleanup levels requires the following conditions:

- The area of the Site where industrial property soil cleanup levels are proposed must meet the definition of an industrial property under WAC 173-340-200;
 - WAC 173-340-200 states that industrial properties must either be:
 - Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW (Growth Management Act); or
 - For counties not planning under chapter 36.70A RCW (Growth Management Act) and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.
- The cleanup action provides for appropriate institutional controls implemented in accordance with WAC 173-340-440 to limit potential exposure to residual hazardous substances. This shall include, at a minimum, placement of a covenant on the property restricting use of the area of the Site where industrial soil cleanup levels are proposed to industrial property uses;
- And, hazardous substances remaining at the property after remedial action would not pose a threat to human health or the environment at the Site or in adjacent nonindustrial areas.

The use of MTCA Method C cleanup levels appears appropriate for this Site. Review of the City of Pasco Land Use Plan and the City Zoning Map indicate that the Site meets the definition of an industrial property. The Site is zoned for industrial use only, and surrounding property use includes commercial and industrial properties, as well as a highway and the associated inaccessible medians. Institutional controls requiring industrial use at the Site were implemented as discussed in Section 2.4. Hazardous materials remaining at the Site do not pose a threat to human health or the environment at the Site, or at adjacent properties.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soils, the standard point of compliance is established as soils throughout the Site.

2.4 Restrictive Covenant

Due to the use of MTCA Method C cleanup levels at the Site, institutional controls in the form of a restrictive covenant were required for the Site to be eligible for a NFA determination. A Restrictive Covenant (Covenant) was recorded for the property in 2001. The Covenant imposes the following limitations:

1. The Property shall be used for industrial uses, as described in RCW 70.105D.020 (23) or for those uses defined in and allowed under the city's zoning regulations codified in the Pasco Municipal Code, PMC 25.46.020 (5) [wholesale business]; PMC 25.46.020 (6) [heavy machinery sales and service]; PMC 25.46.020 (7) [warehouse]; PMC 25.46.020 (10) [mobile home sales and service]; and PMC 25.46.020 (11) [lumber sales business] as of the date of this Covenant.
2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.
4. The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall prevent the continued monitoring, operation, and maintenance of the Remedial Action.
5. The Owner must restrict leases to uses and activities consistent with this 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.
7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.
8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this 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.

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 March 17, 2015, there were no observed indications that the integrity of the remedial action has been compromised. There were small areas of historical surface disturbance that may be related to Site investigation activities in the late 1990s and early 2000s. These areas consisted of small excavations and stockpiles containing melted glass and debris associated with the incineration of municipal waste. These excavations and stockpiles were less than 2 cubic yards each, and did not present a physical hazard risk. The Site continues to be vacant, and is surrounded by a mix of commercial and industrial properties. A photo log is available as Appendix 6.4.

3.1.1 Direct Contact

Cleanup actions at the Site were determined to be protective of human health and the environment in an industrial land use scenario. Exposure pathways to contaminated soils (ingestion, direct contact) are significantly reduced in an industrial or commercial setting. If the Site is developed, surface covers will likely include asphalt, building foundations, roadways, and landscaped areas. Residential land use will not be permitted, reducing the likelihood that vulnerable populations will come into contact with Site soils.

3.1.2 Institutional Controls

As required by the use of MTCA Method C cleanup levels, institutional controls in the form of a Covenant were implemented at the Site in 2001. The Covenant remains active and discoverable through the Franklin 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 remedial action.

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

There is no new relevant scientific information for the hazardous substances remaining at the Site.

3.3 New applicable state and federal laws for hazardous substances present at the Site

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

3.4 Current and projected Site use

The Site is currently vacant and for sale. There have been no changes in Site use since the previous periodic review. The adjacent properties to the east and west of the Site are also for sale and undeveloped.

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 C 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.
- MTCA Method C industrial soil cleanup levels have been met at the Site; however, use of industrial cleanup levels requires the implementation of institutional controls that enforce industrial land use at the Site.
- Institutional controls in the form of a Covenant are in place at the Site and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action by requiring industrial land use in perpetuity.

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 limit Site development to industrial uses.

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

SCM Consultants, Inc. *City of Pasco Property in the Columbia East Business Park*
June 16, 1999.

Ecology. *VCP Review for Columbia East Commercial Park*. January 24, 2000.

Ecology. *Restrictive Covenant*. February 28, 2001.

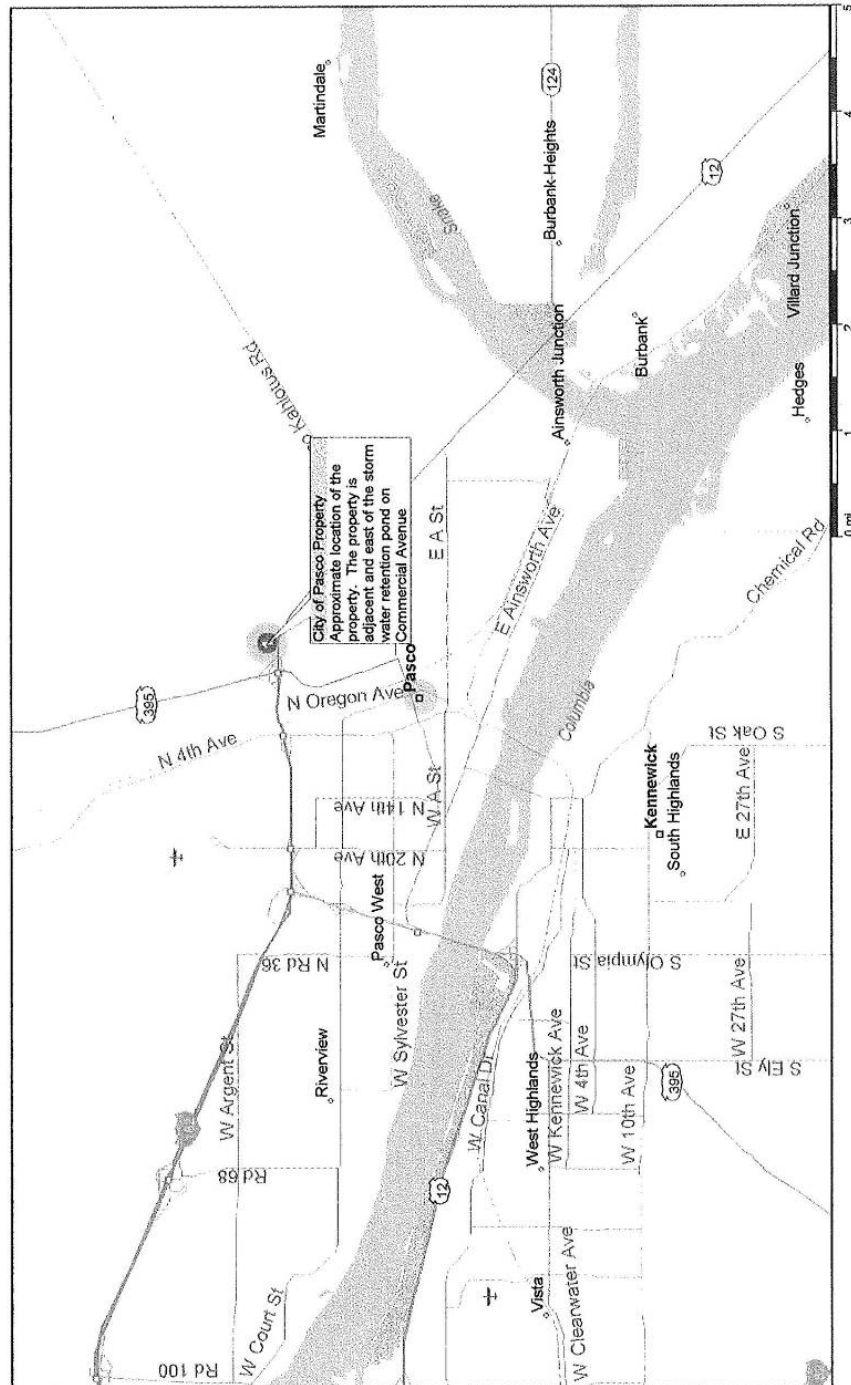
Ecology. *No Further Action Determination*. March 7, 2001.

Ecology. *Periodic Review*. February 2010.

Ecology. *Site Visit*. March 17, 2015.

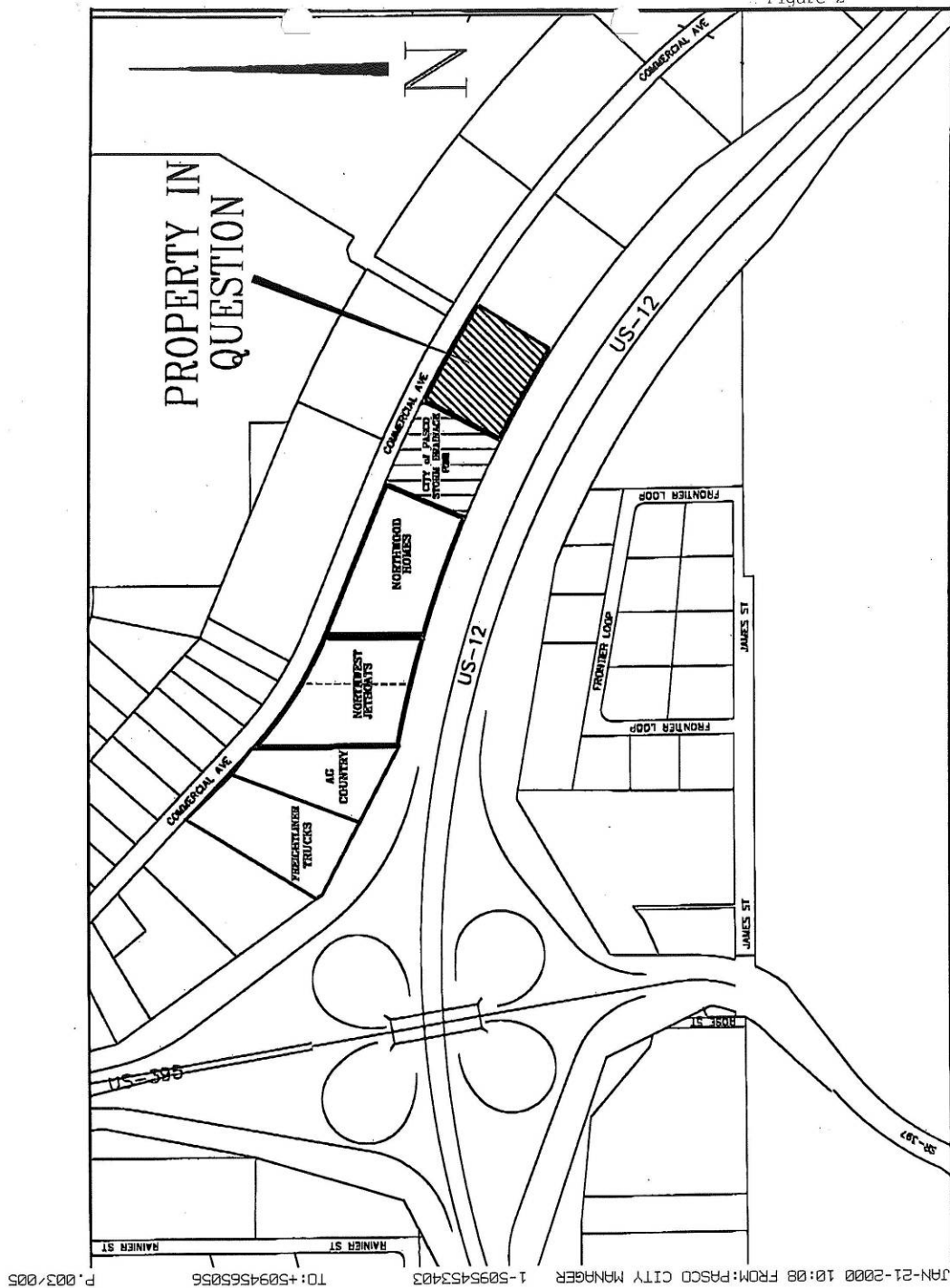
6.0 APPENDICIES

LOCATION OF THE CITY OF PASCO PROPERTY
COMMERCIAL AVENUE, PASCO WASHINGTON

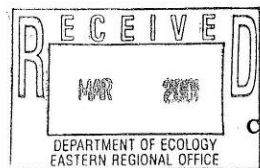


SCM
Consultants, Inc. - Architects & Engineers

Figure 2



6.3 Restrictive Covenant



RESTRICTIVE COVENANT COLUMBIA EAST COMMERCIAL PARK

CITY OF PASCO, A WASHINGTON MUNICIPAL CORPORATION ("City")

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

Determination of Soil Cleanup Level for a Parcel of Property located in the Columbia East Commercial Park, Section 21, Township 9 North, Range 30 East, W.M.: SCM Consultants, Inc., October 28, 1998.

City of Pasco Property in the Columbia East Commercial park, Pasco, Washington: SCM Consultants, Inc., June 16, 1999.

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 lead, arsenic, cadmium, and chrysene which exceed the Model Toxics Control Act Methods A and B Residential Cleanup Levels for soil established under WAC 173-340-740.

The City, is the fee owner of real property (hereafter "Property") in the County of Franklin, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

The City 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. The Property shall be used for industrial uses, as described in RCW 70.105D.020 (23) or for those uses defined in and allowed under the city's zoning regulations codified in the Pasco Municipal Code, PMC 25.46.020 (5) [wholesale business]; PMC 25.46.020 (6) [heavy machinery sales and service]; PMC 25.46.020 (7) [warehouse]; PMC 25.46.020 (10) [mobile home sales and service]; and PMC 25.46.020 (11) [lumber sales business] as of the date of this Restrictive Covenant.

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.

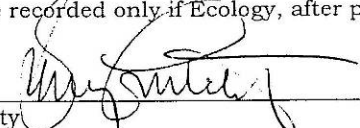
Section 4. The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall prevent the continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with this 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.

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.

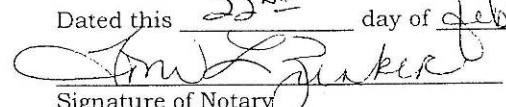

City
by Gary Crutchfield, City Manager

2-22-01
Date

STATE OF WASHINGTON)
COUNTY OF FRANKLIN) SS.

I certify that I know or have satisfactory evidence that Gary Crutchfield is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 22nd day of February, 2001.


Signature of Notary

Print or stamp name of Notary

Notary Public for the State of Washington, residing at: Kennecook

My appointment expires: 3/3/04





Attachment A

(Property Legal Description)

Franklin County Assessor's Parcel No. 113-520-327

Lot 1, Binding Site Plan 99-03, Franklin County, Washington

6.4 Photo Log

Photo 1: Columbia East Commercial Park Site - from the east



Photo 2: Typical Site Surface - from the east



Photo 3: Residual Municipal Dump Debris and Historical Disturbance - from the west



Photo 4: South Side of Site with Freeway Visible to the South – from the east

