



## **Periodic Review**

Priceless Gas  
1110 Morgan St  
Davenport, WA 99122

Facility Site ID#: 36318758  
Cleanup Site ID#: 5945

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

January 2016

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# 1.0 INTRODUCTION

This document is a periodic review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the former Priceless Gas Site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site that exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion, and one of the following conditions exists:
  - 1. Institutional control and/or financial assurance is required as part of the cleanup action;
  - 2. Where the cleanup level is based on a practical quantitation limit as provided for under WAC 173-340-707; or
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site;
- (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 and resource uses;
- (e) The availability and practicability of more permanent remedies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

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The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

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## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The Site of the former Priceless Gas station is located in the city of Davenport in Lincoln County, Washington, approximately 30 miles west of Spokane (Vicinity Map – Appendix 6.1). The Site is currently used by Some Like it Hot Espresso.

The Site was previously used for a retail service station and convenience store by Merit Truck Stop, Inc. (Merit) / F.O.F. Inc. This facility utilized four underground gasoline and diesel storage tanks: one 12,000-gallon tank, one 10,000-gallon tank, and two 2,000-gallon tanks. Gasoline and diesel were stored at various times in all of the tanks. All four tanks were emptied, and Priceless Gas operations were discontinued in March 1997. This facility was closed in June 1998.

The site is mostly paved with asphalt. The surrounding properties are commercial and residential. Groundwater flow direction is generally north-northeast toward Cottonwood Creek. A site plan is available as Appendices 6.2 and 6.3.

### **2.2 Site Investigations and Sample Results**

In November 1998, Ecology received a call from a resident, Bruce Dehn, whose home is located directly north of Priceless Gas. Mr. Dehn was concerned about an apparent gasoline odor in his home and apparent gasoline product seeping through the wall in his basement. Ecology's Emergency Spill Response Team responded to Mr. Dehn's call for the initial investigation.

Three test pits were excavated on the Site and on the southern portion of the Dehn property in November 1998. Petroleum-contaminated soil (pcs) was identified in two of the three test pits. Shallow basalt bedrock was encountered in each test pit, and basalt across the site is encountered near the surface to approximately 12 feet below ground surface. It was determined that the petroleum was infiltrating the fractured bedrock approximately 10 – 12 ft north of the Dehn property line. Two monitoring wells (MW-1 and MW-2) were installed near the southern edge of the Dehn property, and groundwater was sampled from these wells in December 1998. The samples indicated elevated gasoline-range petroleum hydrocarbons (GRPH) and benzene, toluene, ethylbenzene, and xylene (BTEX) compounds that were much greater than MTCA Method A cleanup levels.

In December 1998, the four underground storage tanks (USTs) were decommissioned and inspected. The 12,000-gallon tank had several small holes in the side. In January 1999, the fuel dispensing pumps, pump islands, and the product piping were removed.

A Remedial Investigation (RI) was conducted between September 1999 and December 1999. The RI, along with earlier interim actions, included:

- The installation of 17 soil borings, 10 of these were developed into monitoring wells

- 
- 4 tank excavations
  - 10 backhoe trenches
  - Soil sampling from each trench, boring, and tank excavation
  - Groundwater sampling from the tank excavation and each monitoring well
  - The removal of over 725 cubic yards of pcs.

Due to the UST removals, building demolition, and excavation of pcs, the ground surface was mostly compacted backfill material.

During the RI, dissolved constituent groundwater contamination was discovered off-site in down-gradient wells (MW-4 and MW-6). On-site wells also showed groundwater contamination, especially in MW-3 and MW-7. Free-phase product was found in MW-3. This free product did not appear to be directly correlated to Priceless Gas or the leaking UST site south across the highway (Corner Express). The free product did not have significant concentrations of methyl tertiary butyl ether (MTBE), which are found on the Priceless Gas Site. The analytical chromatographic pattern of the free product indicated signs of slight weathering and was similar but not identical with the pattern for the Corner Express dispenser products. The free product appears to be located in a limited area near MW-3. Cottonwood Creek had not been impacted, which was indicated in the groundwater samples collected from the well adjacent to the creek (MW-10).

Remaining concerns following the RI included remaining pcs being a source of groundwater contamination, potential vapor inhalation hazard, and exposure through direct contact due to the lack of cover over the shallow pcs and groundwater.

In April 2001, a Feasibility Study (FS) was completed. The FS scored and ranked five cleanup action alternatives. In June 2003, a final Cleanup Action Plan (CAP) was completed for the site. Alternative 3 was selected in the CAP and consisted of the following elements:

- Soil removal and disposal
- Product recovery sump at MW-3
- Groundwater treatment (within a trench along north property boundary)
- Backfilling of excavated areas with appropriate materials
- Quarterly sampling and analysis of groundwater monitoring wells
- Institutional controls

The institutional control is a restrictive covenant placed on the property deed to ensure that the potential exposure risk to contaminated soils and groundwater is known, and site activities are considerate of these potential risks. The restrictive covenant is perpetual and can only be removed when it has been demonstrated through sampling that soil and groundwater cleanup levels have been attained.

In 2003, Merit Truck Stop, Inc. / F.O.F., Inc. notified Ecology of its limited financial resources and inability to complete the work described in the CAP. Ecology continued Site cleanup using Clean Sites Initiative funding.

In 2005, additional excavation and disposal of pcs, construction of an 80-foot treatment trench, and installation of the air sparge (AS) / soil vapor extraction (SVE) system were completed. The AS/SVE system began operating in April 2005. As funding became available, Ecology completed quarterly groundwater monitoring.

In 2005, the property was sold to Mr. Errold Sutter and is now the location of Some Like it Hot Espresso. Mr. Sutter communicated site plans and construction schedules with Ecology. He understood the restrictive covenant and protected the integrity of the wells and equipment shed on-site during construction. The Site has been partially paved with asphalt for the constructed drive-up espresso building. Ecology did not name Mr. Sutter as a potentially liable party.

Between 2011 and 2015, GRPH concentrations in groundwater have consistently exceeded the Method A cleanup level of 800 micrograms per liter ( $\mu\text{g/L}$ ) in MW-2, MW-3, MW-4, MW-6, MW-8, and the treatment trench. MW-2 consistently has the highest dissolved-phase GRPH concentrations (between 1,620 – 36,600  $\mu\text{g/L}$ ). Between 2011 and 2015, BTEX and MTBE concentrations have consistently exceeded cleanup levels in MW-1, MW-2, MW-3, MW-4, MW-6, MW-8, and the treatment trench. MW-2 and the treatment trench consistently have the highest dissolved-phase benzene concentrations (31.6 – 1,990  $\mu\text{g/L}$  and 1,400 – 3,930  $\mu\text{g/L}$ , respectively). MW-3 continues to have measurable free-phase product.

Bioremediation amendment application events occurred in both May and August 2015. Bioremediation Specialists, LLC supplied Ecology's contractor GeoEngineers with 1,000 pounds of AnoxEA AQ® (AnoxEA) and 10 liters of ReleaSE-Gx™ (ReleaSE). AnoxEA is a soluble, dry powder that contains electron acceptors and both micronutrients and macronutrients for rapid and sustained contaminant destruction. ReleaSE is a proprietary surfactant. The amendments were injected into both the east and west ends of the treatment trench to stimulate biological degradation of the remaining contaminants. Funding for the site is currently not available, so additional groundwater sampling events to assess the effectiveness of the bioremediation amendment applications have not been completed and are not scheduled.

## 2.3 Cleanup Levels

Ecology's 2003 CAP defined cleanup levels for soil and groundwater using MTCA Method A (WAC 173-340-740(2) and WAC 173-340-720(3)). Cleanup levels have been defined for BTEX and MTBE. Method A cleanup levels were also applied to total petroleum hydrocarbons (TPH) occurring as gasoline and diesel.

The associated cleanup levels for each constituent are in Table 1.

**Table 1. Constituents and Cleanup Levels**

<b>Constituent</b>	<b>Cleanup Level Soil (mg/kg)</b>	<b>Cleanup Level Groundwater (µg/L)</b>
Benzene	0.03	5
Toluene	7	1,000
Ethylbenzene	6	700
Xylenes	9	1,000
MTBE	0.1	20
TPH - Gasoline	30	800
TPH - Diesel	2,000	500

mg/kg – milligrams per kilogram

MTBE – methyl tertiary butyl ether

TPH – total petroleum hydrocarbons

µg/L – micrograms per liter

The point of compliance for meeting soil cleanup levels at this site was selected using WAC 173-340-740(6). The point of compliance for soil is the entire site.

The point of compliance for meeting groundwater cleanup levels at this site was selected using WAC 173-340-720(8). The groundwater point of compliance is the entire saturated zone and is described by MW-1, MW-2, MW-3, and MW-6.

## **2.4 Restrictive Covenant**

Following the remedial action in the RI/FS, a Restrictive Covenant was recorded for the Site in 2003 that imposed the following limitations:

1. No groundwater may be taken for any beneficial use from the property. The owner shall not conduct any activities at the property that may result in the release or exposure to the environment of the contaminated soil or create a new pathway without prior written approval from Ecology.
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 be consummated by the owner without adequate and complete provision for continued monitoring, operation, and maintenance of the remedial action.



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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.
  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.
  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 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.

The Restrictive Covenant is available as Appendix 6.4.

## **3.0 PERIODIC REVIEW**

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

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that may result in the release of contaminants at the Site, and prohibits any use of the property that is inconsistent with the Covenant without Ecology's approval. This Restrictive Covenant serves to ensure the long-term integrity of the remedy.

Based upon the Site visit conducted November 2, 2015, the espresso building and asphalt cover at the Site continue to eliminate exposure to contaminated soils and groundwater from the ingestion and direct contact pathways. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as an espresso stand. A photo log is available as Appendix 6.5.

Soils and groundwater with TPH concentrations higher than MTCA Method A cleanup levels are still present at the Site. However, the current use of the site prevents human exposure to this contamination by ingestion and direct contact with soils and groundwater. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

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

There is no new scientific information for the contaminants related to the Site.

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

Site cleanup was governed by Chapter 173-340 WAC (2001 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

“A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

**Table 2. MTCA Cleanup Levels in 1991 and 2001**

<b>Analyte</b>	<b>1991 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>2001 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>1991 MTCA Method A Groundwater Cleanup level (ppb)</b>	<b>2001 MTCA Method A Groundwater Cleanup Level (ppb)</b>
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30*	NL	1000/800*
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

MTCA – Model Toxics Control Act

NL – not listed

ppb – parts per billion

ppm – parts per million

TPH – total petroleum hydrocarbons

\* The second value is used if benzene is present

### **3.4 Current and projected Site use**

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive 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 that the requirements of the Restrictive Covenant continue to be met. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy 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.

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## **5.0 REFERENCES**

Ecology, 2003, Final Cleanup Action Plan

Ecology, 2003, Restrictive Covenant

Ecology, 2015, Site Visit.

GeoEngineers. 2015, Quarterly Groundwater Monitoring Report Second Quarter 2015

Pachernegg, 2001, Price-Less Gas Remedial Investigation and Feasibility Study (RI/FS)  
Supplemental Report

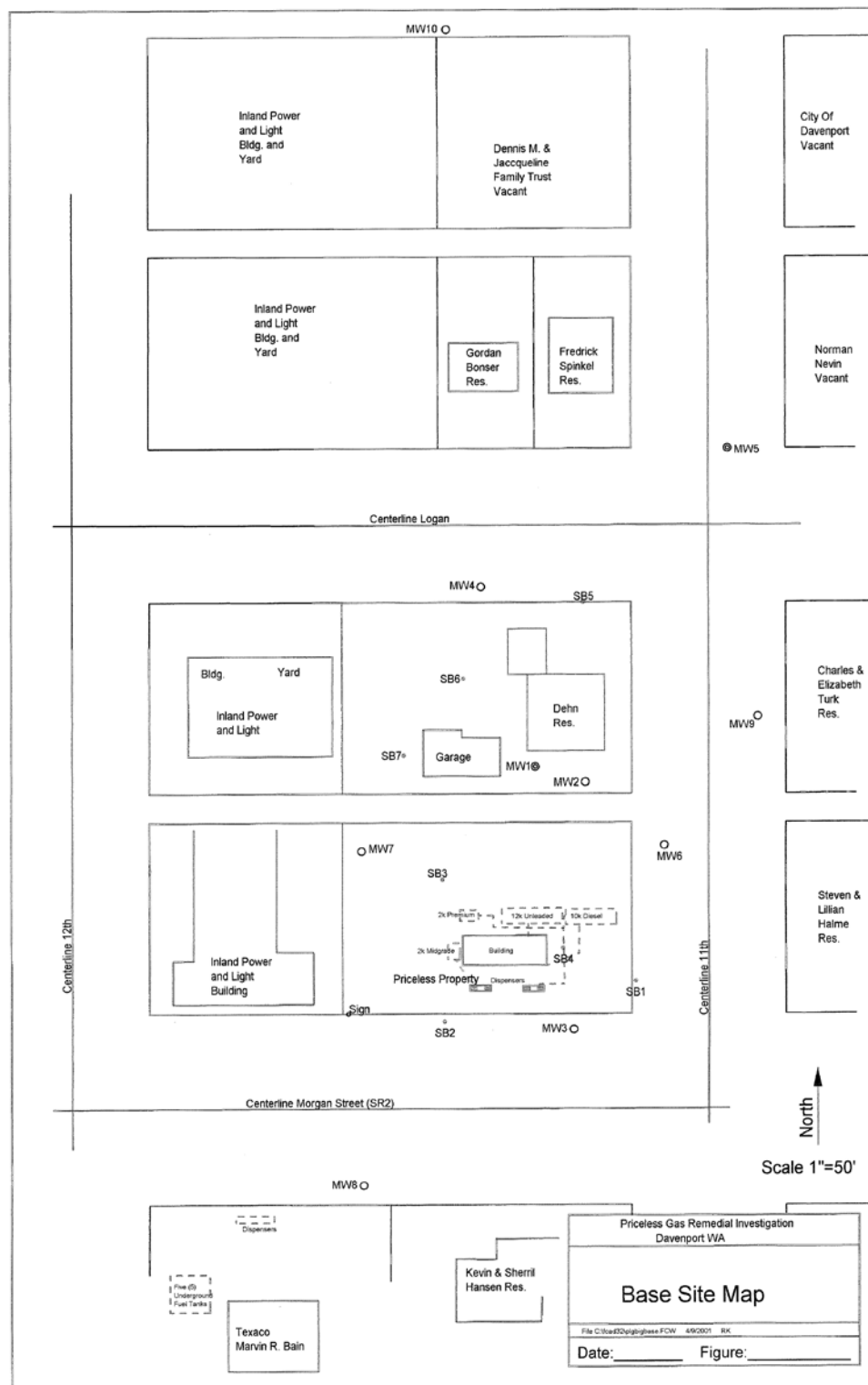
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## **6.0 APPENDICES**

Figure 1

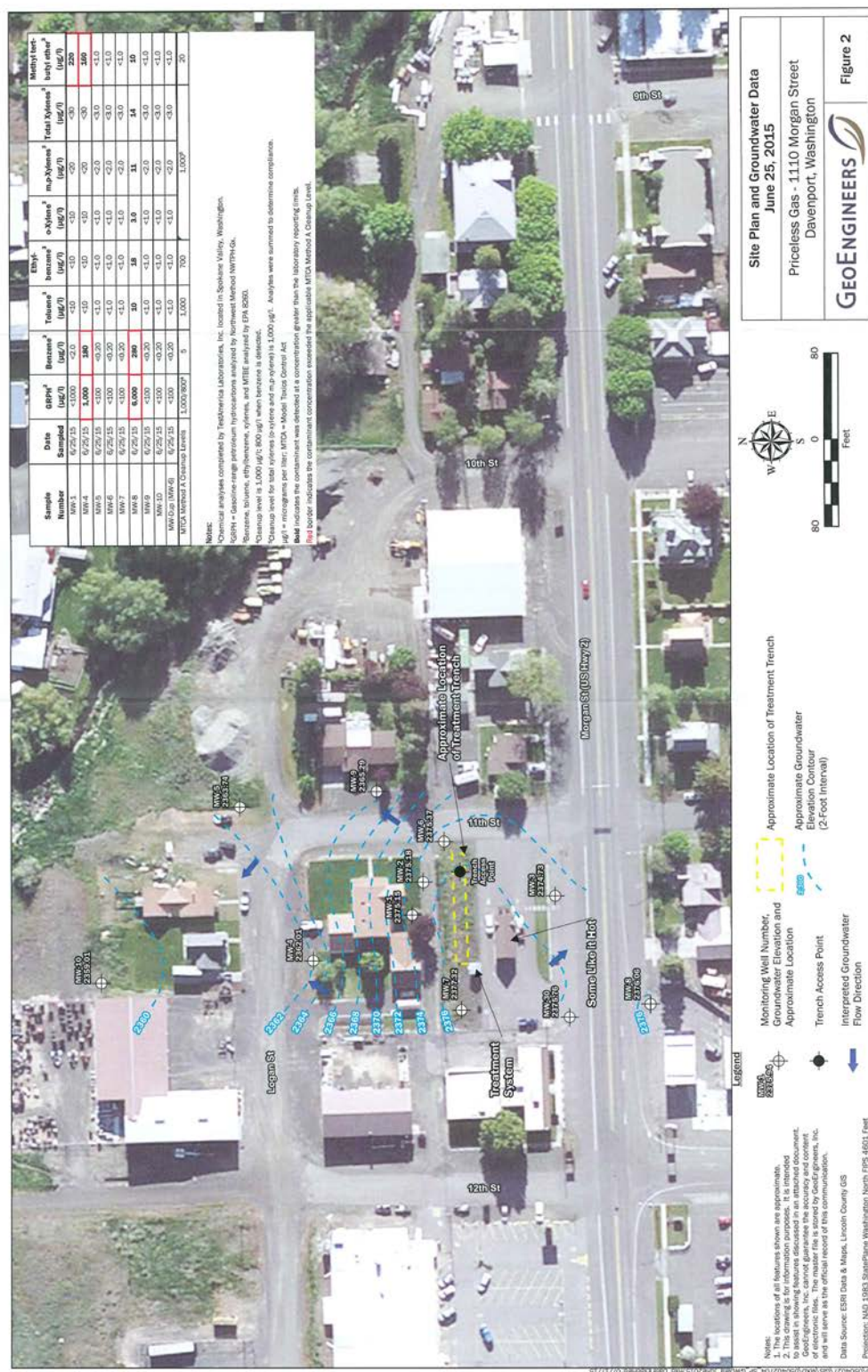
Davenport, WA; Scale: 1" = 0.164Mi 264Mt 866Ft, 1 Mi = 6.099", 1 cm = 104Mt

## 6.2 Site Map

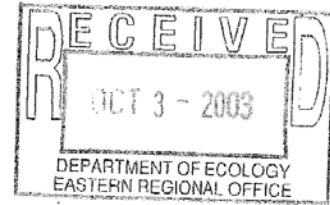




### 6.3 Site Plan and Groundwater Concentration Map



## 6.4 Restrictive Covenant



### Exhibit C

#### RESTRICTIVE COVENANT

#### MERIT TRUCK STOP, INC. AND THE FORMER PRICELESS GAS

This Declaration of Restrictive Covenant is made pursuant to RCW70.105D.030(1)(f) and (g) and WAC 173-340-440 by Merit Truck Stop, 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 Restrictive Covenant. The Remedial Action conducted at the property is described in the following document: Remedial Investigation and Feasibility Study – Supplemental Report (Sheila Pachernegg, April 9, 2001). This document is on file at Ecology's Eastern Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum contamination which exceed the Model Toxics Control Act Method, Method A Residential Cleanup Levels for soil and groundwater established under WAC 173-340-740(2).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum contamination which exceed the Model Toxics Control Act Method, Method A Residential Cleanup Levels for soil and groundwater established under WAC 173-340-740(2).

The undersigned, Peter Hirschburg, is the representative of Merit Truck Stop, Inc./F.O.F., Inc., the fee owner of real property (hereafter "Property") in the County of Lincoln, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

Lots Six (6), Seven (7) and Eight (8) in block Thirty (30) of TIMMONS  
SECOND ADDITION to the Town (now City) of Davenport, in the  
County of Lincoln and State of Washington

SUBJECT TO: Reservation of minerals and the use of such surface ground  
as may be necessary for mining operation, and the right of access to the  
same, as contained in Deed from Northern Pacific Railroad Company and  
the Farmers' Loan and Trust Company, Trustee, to Hallie A. Timmons, dated  
August 1, 1883, recorded in Book "E" of Deeds, Page 96, records of Lincoln  
County, Washington

Merit Truck Stop, Inc/F.O.F., 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.

1. "No groundwater may be taken for any beneficial use from the Property."
2. "A portion of the Property contains petroleum contaminated soil. The Owner shall not conduct any activities at the Property that may result in the release of exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from "Ecology". Some examples of these activities that are include drilling or digging.

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 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.

Peter Hirschburg

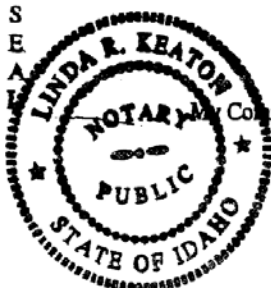
Peter Hirschburg, President, Merit Truck Stop, Inc./ F.O.F., Inc.

Constance M. Wilson

Constance M. Wilson, Secretary, Merit Truck Stop, Inc./F.O.F., Inc.

Date Sept 29, 2003

State of Idaho \_\_\_\_\_ )  
County of Ada S.S.  
On this 29th day of Sept, in the year of 2003, before me  
Linda R. Keaton a notary public, personally appeared  
Peter Hirschburg & Constance M. Wilson, personally known to me to be the person(s)  
whose name(s) is (are) subscribed to the within instrument, and acknowl-  
edged to me that he (she) (they) executed the same.



Linda R. Keaton  
Notary Public  
Commission Expires on 1/12/07



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## 6.5 Photo log

**Photo 1: Priceless Site currently used as an espresso stand - from the south**



**Photo 2: Treatment trench and SVE/AS shed - from the east**





**Photo 3: Espresso stand - from the southwest**



**Photo 4: Espresso stand and Corner Express site – from the northeast**

