



Second Periodic Review

7-Eleven 29078
101 NE 50th Street
Seattle, Washington 98105

FS ID#: 4158283
Cleanup Site ID#: 3463

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

October 2015

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the 7-11 #230729078 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 August 2010. This periodic review will evaluate the period from August 2010 through September 2015.

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). It was determined that institutional controls in the form of a restrictive 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 property includes a rectangular shaped parcel covering approximately 15,324 square feet of land at 101 NE 50th Street, Seattle, Washington. The property is located in a mixed commercial and residential area approximately five miles north of downtown Seattle, Washington.

Improvements to the property include a one-story, (concrete foundation wood framed) building enclosing approximately 4,057 square feet of space that was reportedly erected in 1987. Additional improvements include a pump island occupied by two pumps used for the dispensing of gasoline, and paved parking areas. Currently the property is occupied by a 7-Eleven convenience store with retail gas sales, and a hair salon. The previous occupant of the hair salon was Edge Wireless.

The Site is situated on a mostly level parcel approximately 250 feet above sea level. Based upon inference from topography and local drainage patterns, it appears that shallow groundwater (if present) in the vicinity of the property may flow in a southerly direction. Groundwater was not encountered within the 17 foot maximum depth explored. Depth to groundwater at the Site may lie at 20 feet or more below ground surface (bgs). Lake Union is located approximately one and one quarter miles south of the Site.

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

2.2 Site Investigations

Environmental Associates, Inc. (EAI) conducted a Phase I Environmental Assessment in July 2001 of the property. The findings of the Phase I referred to a Site Assessment performed by GeoEngineers in 1986. Detected hydrocarbon concentrations in the 1986 soil samples analyzed by GeoEngineers were below existing Ecology target compliance levels; however, the test methodology was not documented, nor did it appear that the samples were analyzed for gasoline associated benzene, toluene, ethylbenzene, and xylenes (BTEX) compounds, as is the current sampling protocol as prescribed by Ecology.

In June 2001, six (6) Strataprobe borings (SB1 through SB6) were advanced at the Site to a maximum depth of 17 feet below ground surface (bgs). Borings B1 and B2 were positioned to evaluate soil conditions at inferred down-gradient positions relative to the existing USTs/fuel system. Borings SB3 through SB4 were positioned in the approximate location of the former USTs and pump island. Groundwater was not encountered.

Soil samples were analyzed for gasoline total petroleum hydrocarbons (TPH-G) and BTEX. Gasoline range petroleum hydrocarbons were detected in the selected soil samples from borings

SB3 (at 1 to 2 feet), SB4 (at 14 to 15 feet), and SB5 (at 14 to 15 feet). The concentrations of gasoline in the samples from SB3 and SB4 were 150 and 880 milligrams per kilogram (mg/kg) respectively; which exceed the MTCA Method A cleanup level for gasoline in soil of 100 mg/kg without benzene present and 30 mg/kg with benzene present. Benzene was present in the soil sample from SB4 at a concentration of 0.39 which was also above the MTCA Method A cleanup level of 0.03mg/kg. Field observations suggest that the petroleum impacted soil encountered at SB3 was limited to a narrow zone between 1 and 2 feet bgs. Deeper soil samples from SB3 did not have a noticeable petroleum odor. Petroleum impacted soil at SB4 appeared to begin at approximately 13 feet bgs.

In August 2001, four (4) additional hollow-stem auger borings (SB7 through SB10) were advanced at the Site. Boring SB7 was positioned downgradient of the former UST area at the lowest topographical position on the property with the intention of determining if shallow groundwater existed within 40 feet of the ground surface. Borings SB8 and SB9 were positioned down and cross-gradient from the existing 7-Eleven fuel system and were advanced to depths of 20 feet bgs. The last boring SB10 was advanced within two feet of former boring SB4 for the purpose of evaluating the vertical extent of gasoline impacted soil previously identified at that location. Boring SB10 was advanced to a depth of 40 feet below the ground surface.

Groundwater was not encountered within the 40 foot maximum depth explored. Petroleum odors were only noted at boring location SB10, which had been advanced in an area of previously encountered contamination. Gasoline odors were noted at SB10 beginning at approximately 12 feet below the ground surface and extended to a depth of approximately 24 feet below the ground surface at that location. Five (5) soil samples were selected from SB10. Acknowledging that no obvious indications of contamination were noted for the soil samples recovered from the remaining soil borings, the deepest soil sample from each of these borings was selected for laboratory analysis.

The soil samples were analyzed for TPH-G and BTEX. Gasoline range petroleum hydrocarbons were detected in two (2) of the five (5) samples from boring SB10 (12.5' to 14' bgs and 22.5' to 24' bgs). TPH-G concentrations ranged from 690 to 1,100 mg/kg at SB10. Benzene was also present in the soil sample collected between 22.5' and 24' at a concentration of 0.48 ppm. The three deepest soil samples at SB10 did not contain detectable concentrations of TPH-G and concentrations of xylene below MTCA Method A cleanup levels. It was apparent that that gasoline impacted soil existed in the vicinity of borings SB4/ SB10 beginning at approximately 12 feet below the ground surface and extending to a depth of approximately 24 to 26 feet below the ground surface (12 to 14 feet thick).

No additional remedial actions were conducted at the Site.

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.

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.

2.4 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. In 2002, institutional controls in the form of a restrictive covenant were 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 2002 imposes the following limitations:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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
6. 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.
7. 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.
8. 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.

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 1, 2015, there were no indications that the integrity of the remedial action has been compromised. There was no evidence 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, and is surrounded by a mix of commercial and residential properties. A photo log is available as Appendix 6.4.

3.1.1 Direct Contact

Exposure pathways to contaminated soils (ingestion, direct contact) continue to be reduced by the presence of protective Site surfaces including asphalt, building foundations, roadways and landscaped areas.

3.1.2 Protection of Groundwater

Soils with TPH at concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, Site characterization has demonstrated that a minimum clean soil buffer of 15 feet exists between contaminated soil at 25 feet bgs and the maximum depth of exploration of 40 bgs where groundwater still was not encountered. Due to the relatively low concentrations of residual contaminated soil, the age of the release and the depth to groundwater, residual contaminated soils are not likely to pose a threat to groundwater quality in the future.

3.1.3 Institutional Controls

Institutional controls in the form of a restrictive covenant were implemented at the Site in 2002. The covenant remains active and discoverable through the King 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 surface cover and 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 used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The vacant property to the north and west is for sale, but remains 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 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

Environmental Associates, Inc. *Phase I Environmental Audit*. June 13, 2001.

Environmental Associates, Inc. *Soil Sampling & Testing*. July 16, 2001.

Environmental Associates, Inc. *Additional Soil Sampling & Testing*. September 6, 2001.

Fiftieth Street Investors. *Restrictive Covenant*. January 7, 2002


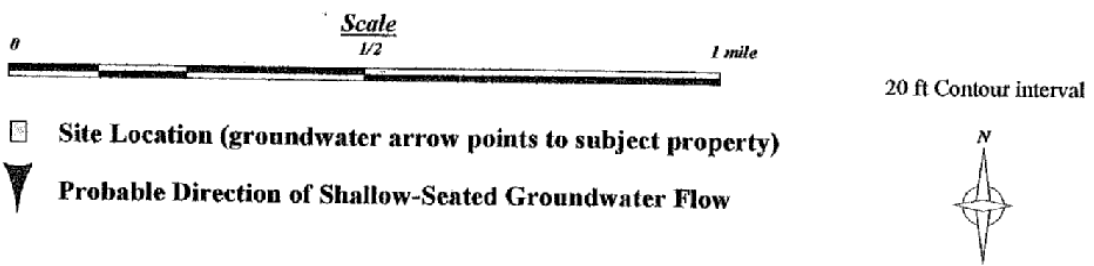
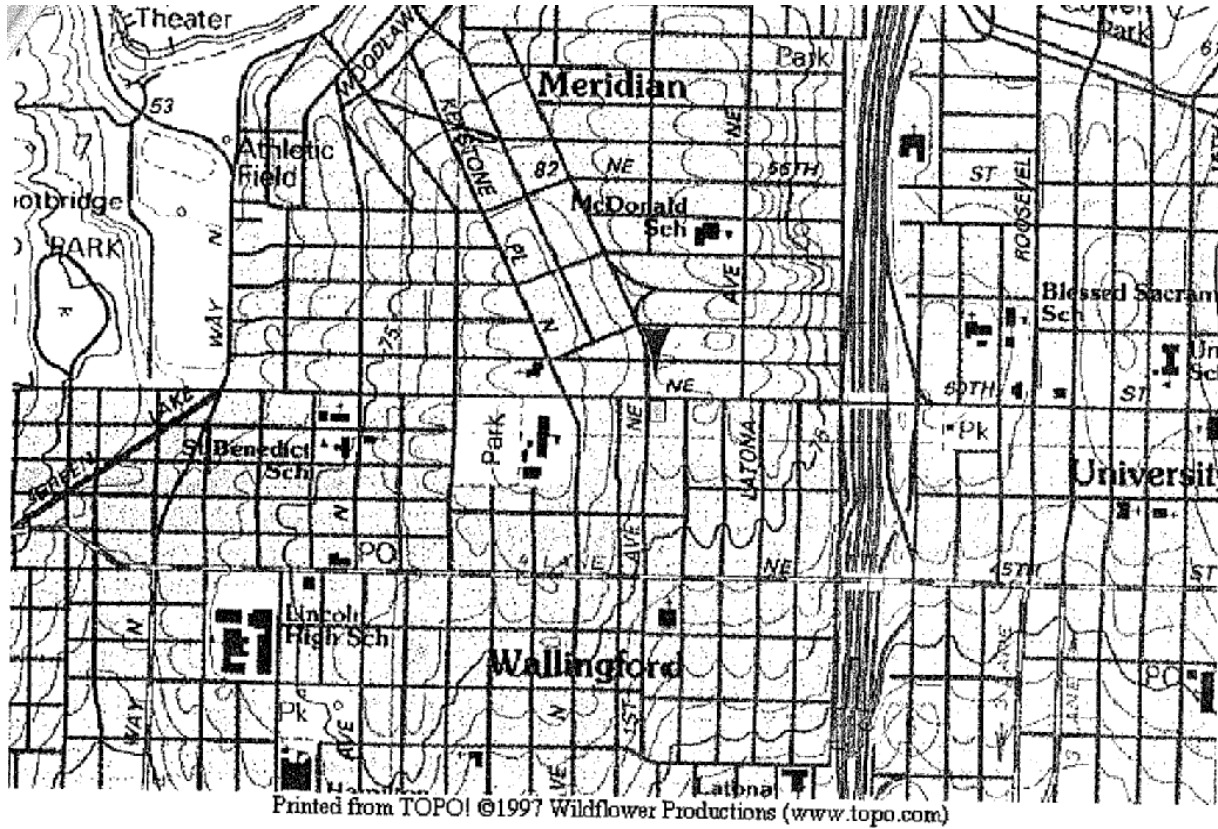
Ecology. *No Further Action Determination*. April 23, 2002.

Ecology. *Periodic Review*. June 2010.

Ecology. *Site Visit*. October 2, 2015.

6.0 APPENDICIES

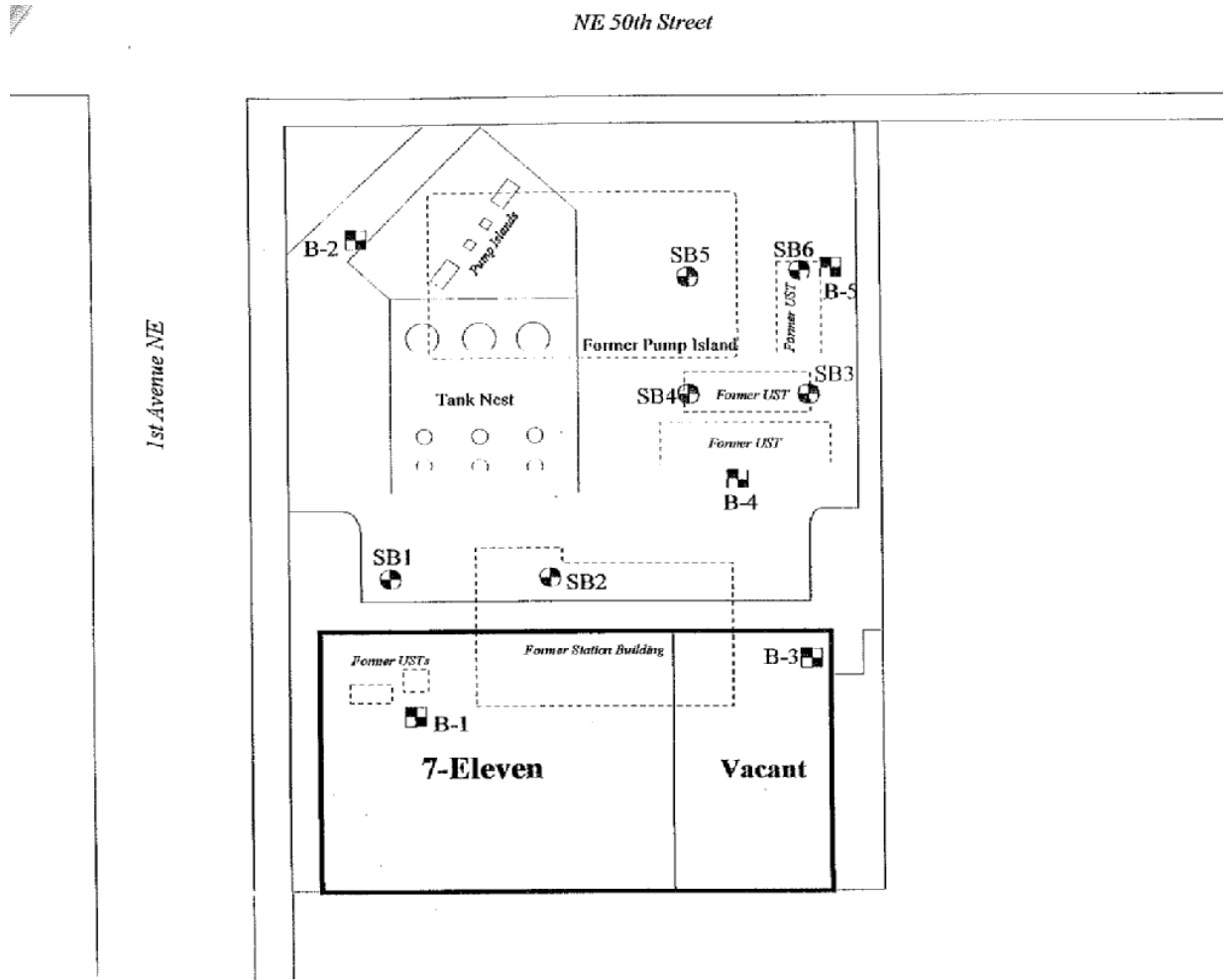
6.1 Vicinity Map







**ENVIRONMENTAL
ASSOCIATES, INC.**
2122 - 112th Avenue N.E., Ste. B-100

VICINITY / TOPOGRAPHIC MAP
7-Eleven
101 North East 50th Street
Seattle, Washington 98105

6.2 Site Plan



-  Inferred direction of shallow groundwater flow based upon local topographical gradient.
-  Approximate boundary of the subject property.
-  Approximate location of soil borings advanced by EAI in June 2001
Red denotes locations where petroleum hydrocarbons were detected by laboratory analysis.
-  Approximate location of soil borings advanced by GeoEngineers in 1986



SITE PLAN - DETAILED
7-Eleven
101 NE 50th Street
Seattle, Washington

6.3 Restrictive Covenant



20020107001389

FIRST AMERICAN COV 12 08
PAGE 001 OF 004
01/07/2002 13 51
KING COUNTY, WA

AFTER RECORDING MAIL TO:

Name Fiftieth Street Investors
C/O Terry Enterprises, Inc. GP
Address P.O. Box 2030
City/State Seattle, Washington 98111-2030


2002 010 7001389

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**

M20728 (4)/#12

COURTESY RECORDING ONLY
NO LIABILITY FOR VALIDITY AND/OR
ACCURACY ASSUMED BY FIRST AMERICAN
TITLE INSURANCE COMPANY
(this space for title companies use only)

Grantor(s): (Last name first, then first name and initials)

1. Fiftieth Street Investors, a Limited Partnership
2. State of Washington Department of Ecology
- 3.
- 4.
5. Additional names on page _____ of document

Grantee(s): (Last name first, then first name and initials)

1. General Public
- 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)

Lots 21-24, Block, 6, University Hill Tracts, Vol 12, Pg 72

Complete legal description is on page _____ of document

Assessor's Property Tax Parcel / Account Number(s):

881840-0720-06

NOTE The multistep order 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.

After Recording Mail To

Fiftieth Street Investors, a
Limited Partnership
c/o Terry Enterprises, Inc , GP
PO Box 2030
Seattle, WA 98111-2030

Tax Parcel ID # 881840-0720-06

RESTRICTIVE COVENANT

Fiftieth Street Investors, a Limited Partnership
50th Street Plaza

2002 010 7001385

This Declaration of Restrictive Covenant is made pursuant to RCW 70 105D 030(1)(f) and (g) and WAC 173-340-440 by Fiftieth Street Investors, a Limited Partnership, 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: "Phase I Environmental Audit" by Environmental Associates, Inc., dated June 13, 2001, "Soil and Sampling & Testing" by Environmental Associates, Inc., dated July 16, 2001, and "Additional Soil and Sampling & Testing" by Environmental Associates, Inc., dated September 6, 2001. These documents are on file at Ecology's NWRO.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-900.

The undersigned, Fiftieth Street Investors, a Limited Partnership, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

LOTS 21, 22, 23, AND THE NORTHERLY 20 FEET OF LOT 24 IN BLOCK 6 OF UNIVERSITY HILL TRACTS, AS PER PLAT RECORDED IN VOLUME 12 OF PLATS, PAGE 72, RECORDS OF KING COUNTY, EXCEPT ANY PORTION LYING WITHIN THE SOUTH 20 FEET OF SAID LOT 24, SITUATED IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

Fiftieth Street Investors, a Limited Partnership, makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner")

Section 1 Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas include drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2 Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3 Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4 The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

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

2002 010 7011395

6.4 Photo log

Photo 1: 7-11 Site - from the west



Photo 2: 7-11 Site - from the northeast



Photo 3: Pump Island and Former Boring Locations - from the southwest



Photo 4: Underground Storage Tank Pad and Pump Island – from the south

