



PERIODIC REVIEW

**Skagit State Bank
Facility Site ID#: 88433544**

**1501 Cornwall Avenue,
Bellingham, Washington**

Northwest Region Office

TOXICS CLEANUP PROGRAM

November 2016

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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 ensure that human health and the environment are being protected at the Skagit State Bank (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 were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which 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 controls or financial assurance are required as part of the cleanup;
 - 2. Where the cleanup level is based on a practical quantitation limit; 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 use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department 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 Description and History

The Skagit State Bank Site is located at 1501 Cornwall Avenue in Bellingham, Washington. The Site is owned and occupied by Skagit State Bank. The property lies approximately 600 feet south of Whatcom Creek, on a gently north- sloping plain at an elevation of approximately 70 feet relative to mean sea level. The property is utilized as a walk-in and drive-through banking facility.

The property was developed around 1930 as a gasoline station, which operated at the Site until the early 1950s. A used car lot was located at the Site in the early 1950s. The property was redeveloped and has primarily been used as a bank since 1955 (BEK Engineering and Environmental [BEK] 2000).

Bellingham City Directory Review 1501 Cornwall Avenue

1935-1941	Diehl Service Station
1941-1944	Tony's Service Gas Station
1945-1950	Ludwigs Mobile Service
1952-1954	Joe Jenkins Used Cars
1955-1970	Bellingham First Federal Savings and Loan Association
1971-1975	Vacant
1976	4 Seasons Decorating Center
1977-1988	Bank of Washington
1989/90-1993	Bellingham National Bank
1994 to Present	Skagit State Bank

2.2 Site Investigations and Sample Results

Free product was discovered in December 1999 in a storm drain that discharges to Whatcom Creek. Ecology spill team personnel determined that the product appeared to originate from the Skagit Bank property. Further investigation identified an 800-gallon underground storage tank (UST) located on the Site that was leaking heating oil. The UST was removed, and analytical results for soil samples collected from the floor and sidewalls of the UST confirmed that soils surrounding the tank contained total petroleum hydrocarbon (TPH) concentrations exceeding the site-specific MTCA Method B cleanup levels for residential soil of 2,000 milligrams per kilogram (mg/kg). As a result, excavation and off-site disposal of contaminated soil from the heating oil UST pit was initiated in January 2000. During soil removal activities, gasoline contaminated soil was found at a depth of approximately 6 feet to 9 feet below ground surface (bgs) in the vicinity of the former UST (BEK 2000).

A new Site investigation was then completed based on the presence of gasoline contaminated soils in the vicinity of the former UST. Soil samples were collected using a push-probe drill rig down to an approximate depth of 20 feet bgs at 15 locations across the site. Silty clay soils were encountered at approximately 20 feet bgs across the site. Groundwater was encountered at only one location, where the push-probe was advanced through the clay layer at 35 feet bgs. Thirty-three soil samples and one groundwater sample were analyzed for petroleum hydrocarbon products, due to indications that the Site had primarily been impacted by petroleum hydrocarbon products (i.e., heating oil) covering a small area near the former heating oil tank at a depth of 10 to 15 feet bgs. In addition, groundwater was not found to be impacted at the Site (BEK 2000).

2.3 Cleanup Actions

An Independent Remedial Action (VCP #NW0448) was completed at the Site in February and March 2000 to address TPH contaminated soils and free product entering the storm sewer from the site. The selected remedial action included removal of a leaking UST, abandonment of storm sewer pipes, and removal of contaminated soils. An abandoned storm water pipe that had provided a direct conduit for heating oil to enter the storm sewer was removed. Storm water sampling was conducted in April 2000 in catch basins to verify removal of the source contaminants. A total of eight storm water samples were collected from two catch basins between April 3 and April 25, 2000. TPH was not detected above the laboratory reporting limit in any of the samples collected. Soil with TPH concentrations greater than 2,000 mg/kg were removed from the site, with the exception of a small area located at the corner of the bank building. Soil removal in this area would undermine the building structure; therefore, soil was left undisturbed at this location. Approximately 415 tons of TPH contaminated soil were removed and transported off Site for disposal. This area was later paved with asphalt. The estimated volume of contaminated soil left in place under the north corner of the bank building was approximately 10 cubic yards (BEK 2000).

A Restrictive Covenant limiting activity in the impacted area with remaining TPH soil contamination was filed with Whatcom County on September 27, 2001. Ecology issued a 'No Further Action' determination by letter on October 1, 2001 for the Site based on documentation submitted to Ecology for the independent cleanup and filing of the Restrictive Covenant (Ecology 2001a, 2001b).

2.4 Cleanup Levels

The cleanup level established for TPH for the Skagit State Bank property soils was 2,000 mg/kg (Method B, based on the Ecology's Interim TPH Policy (Ecology 1997). A conditional point of compliance for soil was established.

2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the

property. A Restrictive Covenant was recorded for the Site in 2001 which imposed the following limitations:

Section 1. This Restrictive Covenant and the agreements contained herein shall be deemed covenants running with the land and shall inure to the benefit of and be binding upon the respective successors, grantors, heirs and assigns of the parties, including all current and future owners of any portion or interest in the Property ("Owner").

Section 2. The Owner shall not alter or disturb the Restricted Area without providing thirty (30) days advance written notice to Ecology. Any activity that alters or disturbs the Restricted Area shall be conducted in accordance with applicable laws and regulations including the Model Toxics Control Act ("MTCA") (Chapter 70.1 05D RCW) and the MTCA Cleanup Regulations (Chapter 173-340 WAC).

Section 3. 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 4. 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 that may create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 5. The Owner shall provide Ecology with thirty (30) days advance written notice of the Owner's intent to sell the Property. No conveyance of title shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 6. The Owner shall restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restriction on use of the Property.

Section 7. The Owner shall 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 8. 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 9. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit the 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 will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on May 24, 2016, the remedy at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is still operating as a bank. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. 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

The cleanup at the Site was governed by Chapter 173-340 WAC. 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, those changes do not appear to have affected this cleanup. Contamination remains at the Site above the new MTCA Method A and B 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.

Analyte	1991 MTCA Method A Soil Cleanup Level (ppm)	2001 MTCA Method A Soil Cleanup Level (ppm)	1991 MTCA Method A Groundwater Cleanup level (ppb)	2001 MTCA Method A Groundwater Cleanup Level (ppb)
Cadmium	2	2	5	5
Lead	250	250	5	15
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

NL = None listed

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, the Department of 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.

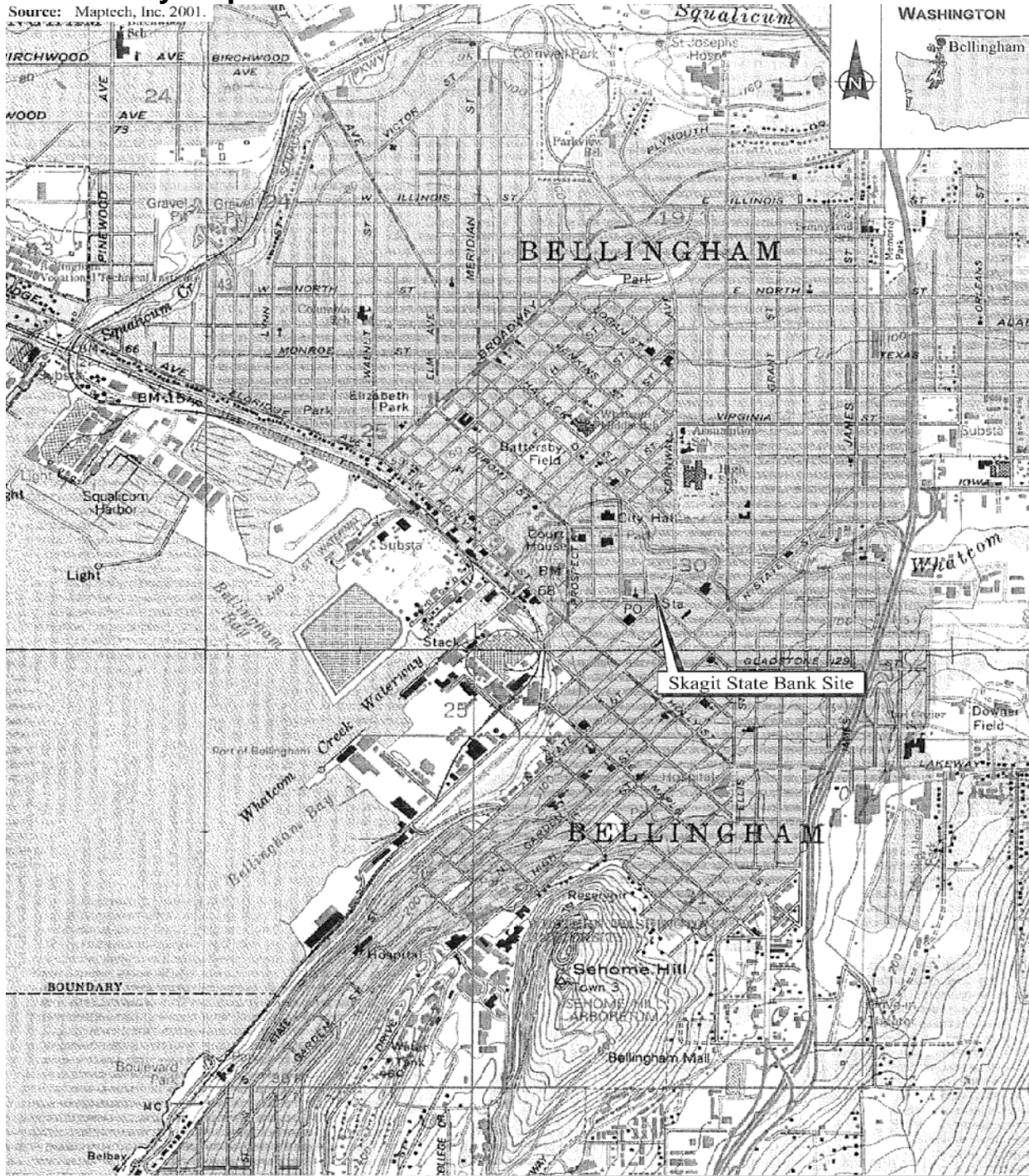
5.0 REFERENCES

- 1) “Memo #1; UST Removal and Preliminary Subsurface Investigation; Project Status and Recommendations”, prepared by BEK Engineering & Environmental, Inc. (BEK), Bellingham, WA., for Skagit State Bank, Bellingham, WA, and dated 12-17-99.
- 2) “Memo #2; Independent Remedial Action Consultation & Project Management; Project Status and Discussion”, prepared by BEK, for Skagit State Bank, Bellingham, WA, and dated 01-05-00.
- 3) “Memo #3; Site Characterization; Project Status and Recommendations”, prepared by BEK, for Skagit State Bank, Bellingham, WA, and dated 02-14-00.
- 4) “Independent Remedial Action and Site Characterization Report, Skagit State Bank, 1501 Cornwall Avenue, Bellingham, Washington”, prepared by BEK, for Skagit State Bank, Bellingham, WA, and dated 12-19-00.
- 5) 2001 Restrictive Covenant;
- 6) Ecology, 2011 Site Visit.
- 7) Ecology, 2016, Site Visit.

6.0 APPENDICES

6.1 Vicinity Map

Source: Maptech, Inc. 2001.



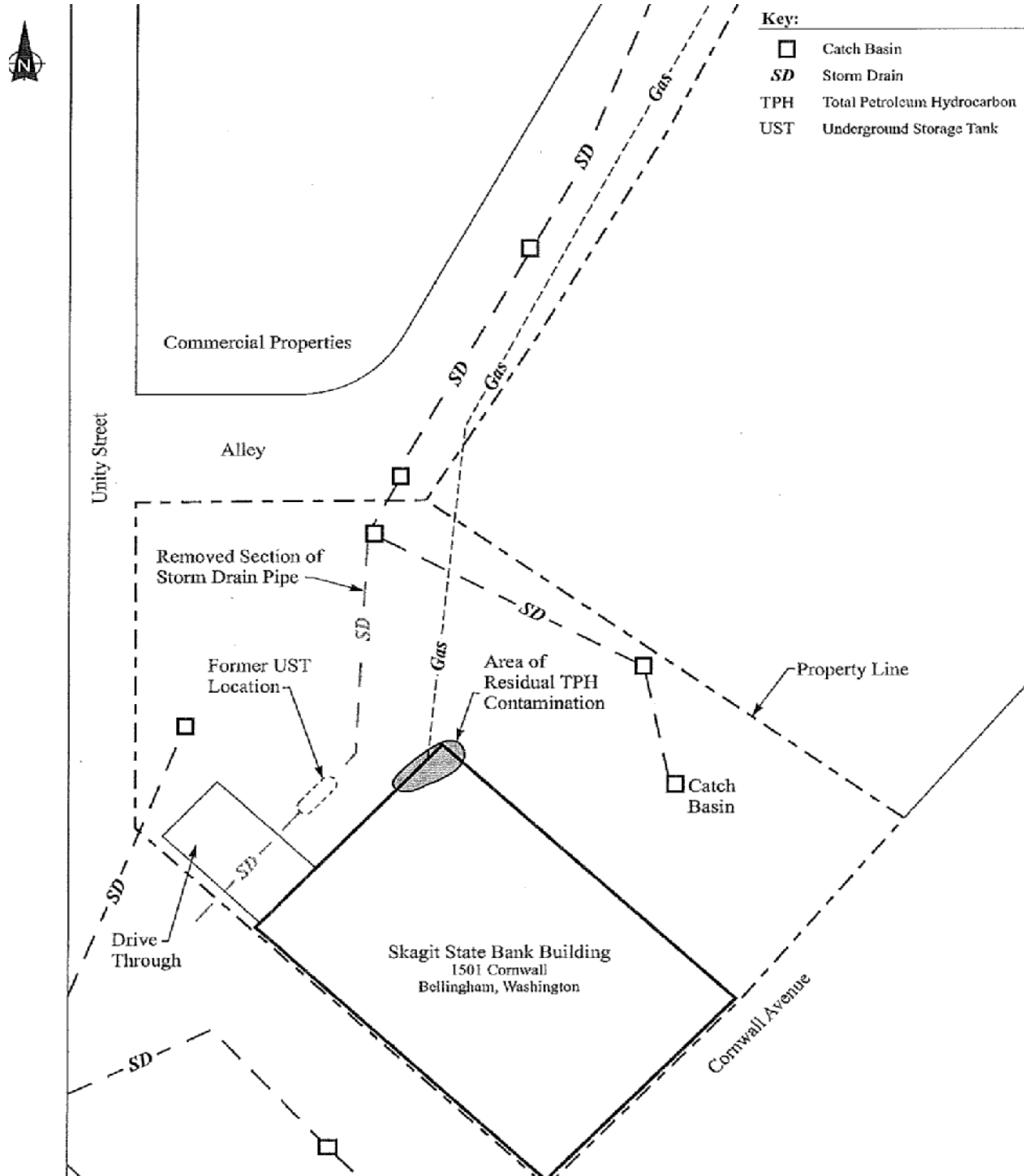
SKAGIT STATE BANK SITE
Bellingham, Washington


0 1000 2000
Approximate Scale in Feet

Figure 2-1
SITE VICINITY MAP

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6.2 Site Plan



 ecology and environment, inc. International Specialists in the Environment Seattle, Washington	SKAGIT STATE BANK SITE Bellingham, Washington 0 15 30 Approximate Scale in Feet	Figure 2-2 SITE MAP Date: 4-27-07 Drawn by: AES 10:002330.WD08.01\fig 2-2
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6.4 Covenant

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Whatcom County, WA

Request of: SKAGIT STATE BANK

When Recorded, Return to:

SKAGIT STATE BANK
1501 CORNWALL AVENUE
BELLINGHAM, WA 98225

RESTRICTIVE COVENANT

Grantor:	1) SKAGIT STATE BANK
Grantee:	1) WASHINGTON STATE DEPARTMENT OF ECOLOGY
Legal Description (abbreviated):	Lot 11 and Portion of Lot 10, Cornwall Avenue Subdivision
<input checked="" type="checkbox"/> Additional on:	PAGES 1 AND 2
Assessor's Tax Parcel ID #:	380330 240216
Reference Nos. of Documents Released or Assigned:	N/A

This **RESTRICTIVE COVENANT** ("Restrictive Covenant") is made this 21st day of September, 2001 by and between Grantor, SKAGIT STATE BANK, a Washington corporation and Grantee, the State of Washington Department of Ecology ("Ecology") pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440.

RECITALS

A. Skagit State Bank is the fee owner of the real property located at 1501 Cornwall Avenue, Bellingham, Washington ("Property"), that is subject of this Restrictive Covenant. The Property is legally described as follows:

All of Lot 11 and all of that portion of Lot 10, Block 4, Cornwall Avenue Subdivision, Recorded in Book 6 of Plats, Page 45, Records of Whatcom County, Washington, described as follows: Beginning at the most southerly corner of said Lot 10; thence northeasterly along the northwesterly line of Cornwall Avenue 10 feet to a point; thence northwesterly in a straight line to the most westerly corner

RESTRICTIVE COVENANT

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of said Lot 10; thence southeasterly along the southwesterly line of said Lot 10 to the point of beginning.

B. Skagit State Bank conducted an independent remedial action ("Remedial Action") at the Property between December 1999 and March 2000. The Remedial Action is described in an "Independent Remedial Action and Site Characterization Report" prepared by BEK Engineering & Environmental, Inc. ("BEK") and submitted to Ecology on December 19, 2000. A copy of the report is on file at Ecology's Northwest Regional Office.

C. This restrictive covenant is required because the Remedial Action resulted in residual concentrations of semi-volatile total petroleum hydrocarbons which exceed the Model Toxics Control Act Method B Residential Cleanup Level for soil established under WAC 173-340-705 and the Interim Interpretive and Policy Statement, Cleanup of Total Petroleum Hydrocarbons (Ecology Publication No. ECY97-600, January 1997, Revised 1/30/97).

D. A portion of the Property contains semi-volatile total petroleum hydrocarbon contaminated soil (herein referred to as "Restricted Area") located under the north corner of the bank building and extending in a southwesterly direction approximately 13 feet as indicated on the site plan attached herein as Exhibit A. The estimated volume of contaminated soil is approximately 10 cubic yards.

TERMS AND CONDITIONS

Section 1. This Restrictive Covenant and the agreements contained herein shall be deemed covenants running with the land and shall inure to the benefit of and be binding upon the respective successors, grantors, heirs and assigns of the parties, including all current and future owners of any portion or interest in the Property ("Owner").

Section 2. The Owner shall not alter or disturb the Restricted Area without providing thirty (30) days advance written notice to Ecology. Any activity that alters or disturbs the Restricted Area shall be conducted in accordance with applicable laws and regulations including the Model Toxics Control Act ("MTCA") (Chapter 70.105D RCW) and the MTCA Cleanup Regulations (Chapter 173-340 WAC).

RESTRICTIVE COVENANT

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Section 3. 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.

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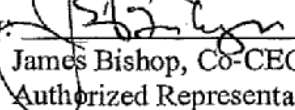
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Section 9. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit the use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

DATED this 26 day of Sept, 2001.

By:  James Bishop
James Bishop, Co-CEO
Authorized Representative of Skagit State Bank

RESTRICTIVE COVENANT

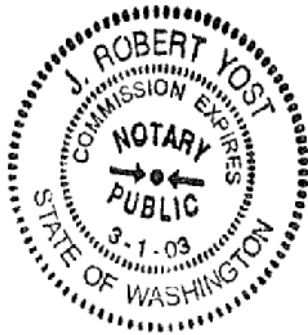
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STATE OF WASHINGTON }
COUNTY OF WHATCOM } ss.

On this day personally appeared before me James Bishop, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 27 day of SEPTEMBER, 2000.



J. Robert Yost
Printed Name J. Robert Yost
NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham, WA
My Commission Expires 3/01/03

RESTRICTIVE COVENANT

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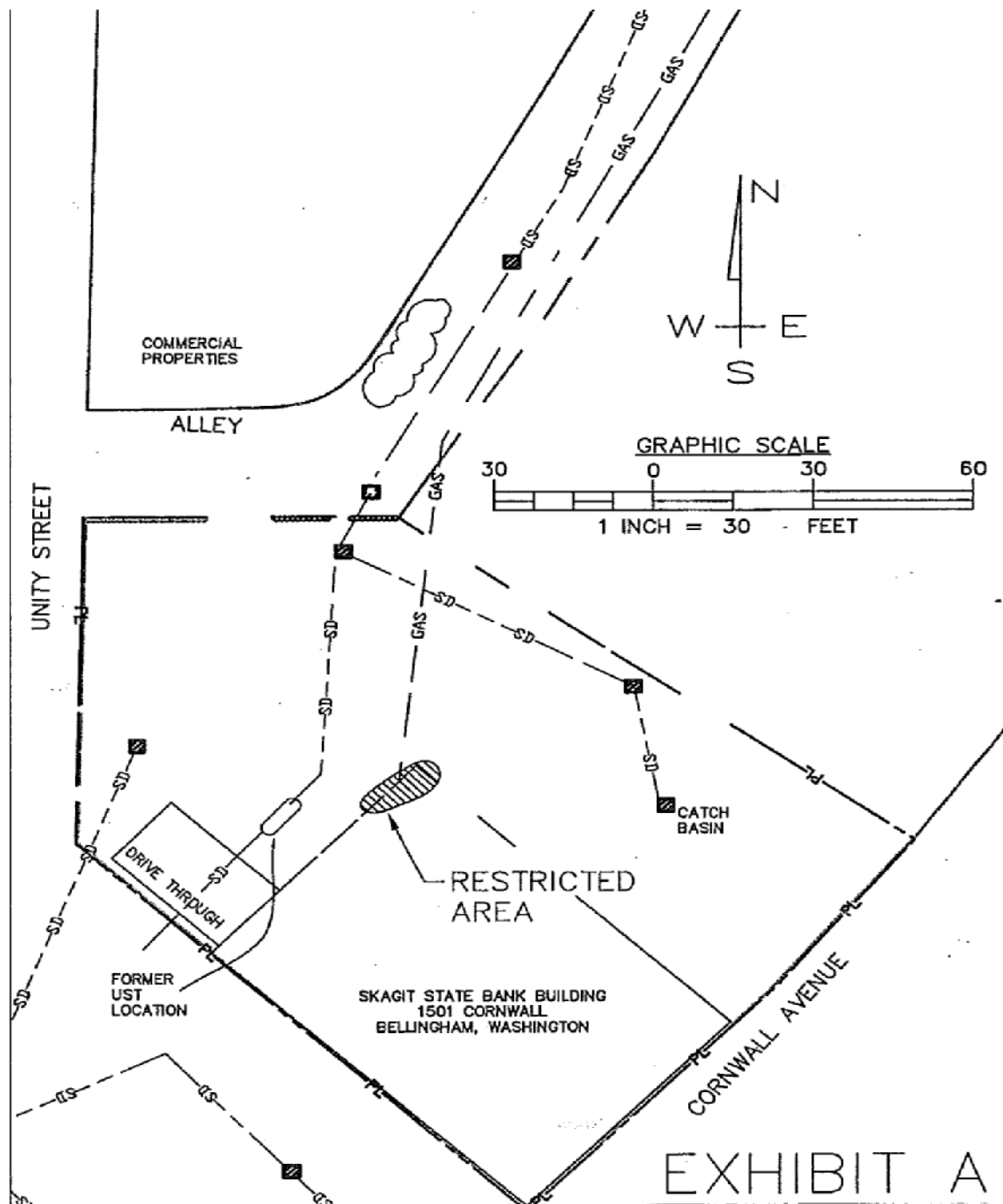


EXHIBIT A

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6.5 Photo log

Photo 1: Bank Building – southwest side of building



Photo 2: Area of the tank removal - from the north



Photo 3: Corner of the building with contaminated soil under it – drive thru is to the right



Photo 4: East side of the property looking southwest along Cornwall Avenue.

