



Second Periodic Review

Tiger Oil – 24th Ave and W Nob Hill
Facility/Site ID #: 469
Cleanup Site ID #: 4919

2314 West Nob Hill Boulevard
Yakima, Washington 98902

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Washington State Department of Ecology
Central Regional 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 that human health and the environment are being protected at the Tiger Oil – 24th Ave and W Nob Hill 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 December 2009. This periodic review will evaluate the period from December 2009 through August 2016.

Cleanup actions at this Site were initially conducted under Consent Decree No. 02-2-00956-2 that was filed with Thurston County Court on August 15, 2003 (Tiger Oil Corporation Site). The cleanup actions have resulted in residual concentrations of gasoline range petroleum hydrocarbons (TPH-G) and volatile organic compounds (VOCs) exceeding MTCA Method A cleanup levels for soil and groundwater. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2) and the MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720(3). It was determined that institutional controls in the form of an environmental covenant would be required to prevent exposure to residual contamination during the cleanup process. WAC 173-340-420(2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

1. Whenever the department conducts a cleanup action.
2. Whenever the department approves a cleanup action under an order, agreed order or consent decree.
3. Or, as resources permit, whenever the department 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 the department 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.

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 History

The Tiger Oil Site is located at the southeast corner of the intersection of West Nob Hill Boulevard and South 24th Avenue in the City of Yakima, Yakima County, Washington. The Site includes the former Tiger Mart retail store property, monitoring wells and recovery wells, and any other areas where hazardous substances have come to be located. This also includes the soil, groundwater, and petroleum-contaminated water in the Yakima County Drainage Improvement District storm drain line #4; the Safeway Shopping Center parking lot located in the eastern and southeastern portions of the Site; the Beer Shoppe (formerly the Ted Brown Music Co.) property located to the south of the Tiger Mart property; and the Xochimilco Restaurant (formerly the Skipper's restaurant) property located to the east of the Tiger property. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

In April 1981, an explosion occurred in the Yakima County Drainage Improvement District (DID) line beneath the parking lot which triggered an initial search for released fuel from the Site. The explosion resulted from the presence of explosive levels of gasoline vapors which accumulated in and around the DID line.

Tank and line testing conducted by Tiger Oil Company in September 1982 showed a leaking pipe to a regular leaded gasoline dispenser at the station. In January 1983, another leak was discovered in a riser leading to a regular leaded gasoline dispenser. In May 1983, an independent claims adjuster estimated that 20,000 gallons of product was released at the Site.

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

2.2 Regulatory Activity

In October 1982, a Notice of Violation and Enforcement Order was issued by Ecology under the oil spill provisions of the Water Pollution Control Act (RCW 90.48) in response to the discovery of gasoline product line leaks which resulted in the accumulation of gasoline vapors in the DID line. This order triggered initial product recovery and remedial activities at the Site.

In March 1990, Ecology issued Enforcement Order No. DE90-C140 to Tiger Oil Corporation requiring site stabilization and a Remedial Investigation/Feasibility Study (RI/FS). Later, Ecology amended the enforcement order to include Tiger Oil Company (Tiger), Federated Mutual Insurance Company, and M & E Company. Assessment work had been conducted in the Safeway Parking Lot in 1989 and 1990 by GeoTech Consultants for M & E. Company.

From 1990 to 1994, Kleinfelder performed site stabilization activities including SPH recovery and monitoring. Kleinfelder completed the RI/FS in March 1994. The RI/FS report included results of aquifer, vapor extraction, and air sparging tests.

In August 1994, Ecology issued Enforcement Order No. DE 94TC-C432 requiring interim remedial action at the Site. Clearwater Group Inc. was retained by Tiger Oil Corporation and Federated Insurance to provide these interim actions. In March 1995, an interim remediation system began operating in a portion of the adjacent Safeway Parking Lot.

In September 1998, Ecology issued Enforcement Order No. DE 98TC-C166 to all PLPs requiring the planning and implementation of a final cleanup action at the Site. On October 30, 1998, Foster Wheeler Environmental Corporation (Foster Wheeler) submitted a draft Cleanup Action Plan (CAP) to Ecology for the Tiger Oil Site on behalf of the Tiger Oil Corporation. This draft CAP focused on remediation through the use of hydrogen peroxide at the Site and did not adequately address removal of free product on Site and was therefore not accepted by Ecology.

Negotiations with Ecology for further remedial actions were largely unsuccessful from 1998 until 2004. The Tiger Mart occupying the Site was closed in 2001 and has remained vacant since that time. Two other buildings at the Site, referred to as the former Ted Brown Music Building (the Beer Shoppe) and the former Skippers (Xochimilco Restaurant) Building, remain occupied by retail businesses unrelated to petroleum sales.

In October 2004, Ecology entered into Consent Decree (CD) No. 02-2-00956-2 with Tiger Oil Corporation with the purpose of providing for remedial action at the Site. This CD required Tiger Oil to conduct the remedial action detailed in a CAP negotiated with Ecology.

2.3 Remedial Activities

2.3.1 Early Remedial Activities

Remedial activities began at the Site in 1982. Following the fuel release in 1982, Crowley Environmental (Crowley) was contracted by Zaremba Claims Service to begin remediation activities. Crowley installed several recovery wells and a vapor venting system. The recovery wells collected up to 1500 gallons of gasoline per month from October 1982 through March 1983. In April 1983, Fuel Recovery Company began operating the treatment system. Fuel recovery gradually decreased until late 1984, when only 2 gallons was recovered between December 6, 1984 and January 25, 1985. Though some of the early remediation records are hand written and difficult to decipher, it was determined that approximately 16,000 gallons of gasoline were recovered during these initial remediation efforts.

Operation of a second interim remediation system began in August 1995. Clearwater Group, Inc. oversaw design, installation, and operation of the system until May 1997 when Tiger Oil Corporation hired QUEST, who oversaw system operation until April 1998. Foster Wheeler

operated the system from 1998 until 2003, followed by Tetra Tech until 2005, and Wayne Perry, Inc., until the system was shut down in 2006. The system was shut down occasionally throughout this time period for repairs or due to cold weather conditions that required the system to be drained to prevent freeze damage.

The interim remediation system was installed as a method of preventing off-site migration of SPH. The system consists of two trenches fitted with vacuum equipment designed to extract groundwater and soil vapors from the subsurface and transport them to an on-site treatment system. The treated water was discharged into the municipal sanitary sewer system and vapors were vented to the atmosphere.

At the time the system was shut down in 2006, over 22 million gallons of groundwater had been treated and were discharged to the City of Yakima sanitary sewer. According to the May 1997 report by Clearwater, Inc., 1843 pounds of petroleum hydrocarbons were calculated to have been removed by the treatment system by 1997. 1750 pounds were recovered by the soil vapor extraction (SVE) system and the remaining 93 pounds were recovered by the groundwater extraction system. Estimates of petroleum hydrocarbon recovery were not provided from 1997 until the system was shut down in 2006. An additional 100 gallons of free product were removed by hand bailing from wells not connected to the treatment system.

Per the CAP that was associated with the CD in 2004, the underground storage tanks (USTs), dispensers and all associated piping were removed in late 2004. Contaminated soils that were encountered during the UST removal was excavated and disposed of off-site. The SVE system was never connected to a system installed on the adjacent Mercy property, which was required as part of a separate CD between Tiger Oil Corporation, Ecology and Mercy.

2.3.2 City of Yakima Remedial Actions

The City of Yakima (City) purchased the Property in 2014 and entered into an Amended Consent Decree with Ecology to implement an amended Cleanup Action Plan (CAP) at the Site. From February to May 2015, with oversight from Maul-Foster-Alongi and Ecology, IO Environmental and Infrastructure, Inc. performed structure demolition, soil excavation, and the application of chemical oxidation agents to the excavation prior to backfill. The interim remedial action was completed in accordance with an Amended Consent Decree between Ecology and the City and with the amended CAP.

Prior to remedial actions, the former convenience store building was demolished. Asbestos abatement was required during demolition activities. Adjacent fencing, former dispenser islands, and asphalt pavement within the footprint of the planned excavation was also removed.

Excavation was conducted within the area designated in the CAP. During excavation, field screening of petroleum hydrocarbons was used to extend the planned excavation and recover as much impacted soil as possible, without impacting adjacent structures. Soil contamination remained that could not be excavated without risking structural damage to adjacent structures.

The existing SVE system within the excavation footprint was also demolished and the remaining lines were capped. The excavation was advanced to a maximum depth of 14 feet below ground surface (bgs) where groundwater was encountered. Contaminated soil was segregated from clean overburden during excavation activities, and contaminated soil was disposed of at the Anderson PCS facility in Yakima.

Prior to backfill of the excavation, a chemical oxidation agent was placed in the excavation pit at a depth of approximately 11 to 13 feet bgs. Additional oxidation products were applied in 1-foot lifts during backfill. Two infiltration galleries were installed during backfill to provide the opportunity for future injection of bioremediation products.

2.4 Cleanup Levels

WAC 173-340-704 states that 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 in soil at this Site. The cleanup actions conducted at the Site were determined to be 'routine', few hazardous substances were found in soil at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

WAC 173-340-720(1) (a) states, "Ground water cleanup levels shall be based on estimates of the highest beneficial use and the reasonable maximum exposure expected to occur under both current and potential future site conditions."

Due to private wells in the area, and the fact that groundwater discharges into the DID line and then to surface water in Wide Hollow Creek, there is potential in the future for groundwater at the Site to be used for ingestion or other domestic uses. There is also potential for humans to be exposed to this groundwater. Therefore, MTCA Method A cleanup levels were chosen for groundwater the Site.

2.5 Points of Compliance

For groundwater, specific conditional points of compliance for the Site are set at KMW-14, KMW-16, KMW-24 and MWG-2, and the waters in DID line #4 in the CD and CAP.

For soil cleanup levels based on the protection of ground water, the point of compliance is soils throughout the Site. Points of compliance for the Site include all areas where contaminants have come to be located.

2.6 Groundwater Monitoring

Groundwater sampling has been conducted at this Site since July 1992, with most of this sampling work occurring on a quarterly basis. From 2004 until 2015, sampling was limited to recording groundwater surface elevation and presence of free product in informational wells, and chemical testing only at the conditional point of compliance wells.

In January 2009, at the time of the previous periodic review, MW-7 contained 1.06 feet of gasoline, MW-11 contained 0.31 feet of gasoline and MW-9 contained 0.02 feet of gasoline. Water samples were not collected from any of these wells. Of the four compliance wells and the DID line from which water sample were collected, only KMW-24 contained detectable gasoline-range petroleum hydrocarbon (GRPH) contamination. Benzene was detected in KMW-24 at 10.5 micrograms per liter (ug/L) and in KMW-16 at 5.0 ug/L in January 2009.

During the most recent sampling event in July 2016, MW-7 contained 0.30 feet of gasoline, MW-11 and MW-9 did not contain measureable free gasoline. None of the four point of compliance wells contained contaminants at concentrations exceeding MTCA Method A cleanup levels.

Significant petroleum hydrocarbon groundwater contamination remains beneath the Tiger Oil property and downgradient to the southeast. Concentrations of GRPH and BTEX have exceeded MTCA Method A cleanup levels during the past year in the wells below:

	Benzene	GRPH
KMW-6	69	480
KMW- 7	47	620
KMW-10	830	81,000
KMW-14	5.5	ND
KMW-16	60	280
MW-9	1,800	28,000
MW-11	110	67,000
MW-13	32	92,000
MWG-3	3,300	64,000
S-1	ND	200
S-2	1,300	1,600
YMW-1	2,400	29,000
YMW-2	1,200	53,000
YMW-3	3,100	33,000

Maximum GW Concentration During the Past 4 Quarters (ug/L)

An isoconcentration map of GRPH concentrations is available as Appendix 6.3 and groundwater monitoring data is available as Appendix 6.4.

2.7 Restrictive Covenant

Due to the presence of groundwater contamination and residual soil contamination that could not be removed during the remedial action, a restrictive covenant was recorded for the Site in 2005.

The restrictive covenant imposes the following limitations:

1. No groundwater may be taken for domestic or industrial uses from the Property unless the MTCA Method A Cleanup Levels for groundwater for the identified substances and for any other hazardous substances that have been released at the Site have been met at the Property.
2. Any activity on the Property that may interfere with the integrity of either the Remedial Action or existing monitoring wells on the Property that are part of the investigation of the Site or with continued protection of human health and the environment is prohibited without the prior written approval of Ecology.
3. Any activity on the Property that may result in the release or exposure to the environment of contaminated soil or create a new exposure pathway is prohibited without the prior written approval of Ecology, which shall not be unreasonably withheld or delayed. Some activities that are prohibited on the Property where contaminated soil is known to be located or may be located 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. Activities involving the routine repair and maintenance of the Property or existing improvements on it can be conducted without any prior written approval of Ecology to the extent that such activities otherwise comply with this Restrictive Covenant.
4. At least thirty (30) days prior to transfer of any interest in the all or any portion of the Property on which the Mercy Property SVE System is located, the Owner of the Property must give advance written notice to Ecology of such transfer. The Owner shall not consummate any voluntary or involuntary conveyance or relinquishment of title, easement or other interest in the Property without provision, as necessary, for continued operation, maintenance and monitoring of the Remedial Action on the Property.
5. The Owner shall allow Ecology and its authorized representatives the right to enter the Property as specified in the Consent Decree.
6. 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 restrictive covenant is available as Appendix 6.5.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Ecology conducted a Site visit on August 11, 2016. The Site continues to be occupied by a restaurant and a tobacco/smoke shop. The former Tiger Oil Mart building was demolished prior to remedial actions in 2015. The Site surface continues to be covered by compacted gravel, asphalt and building foundations. A photo log is available as Appendix 6.6.

3.1.1 Direct Contact

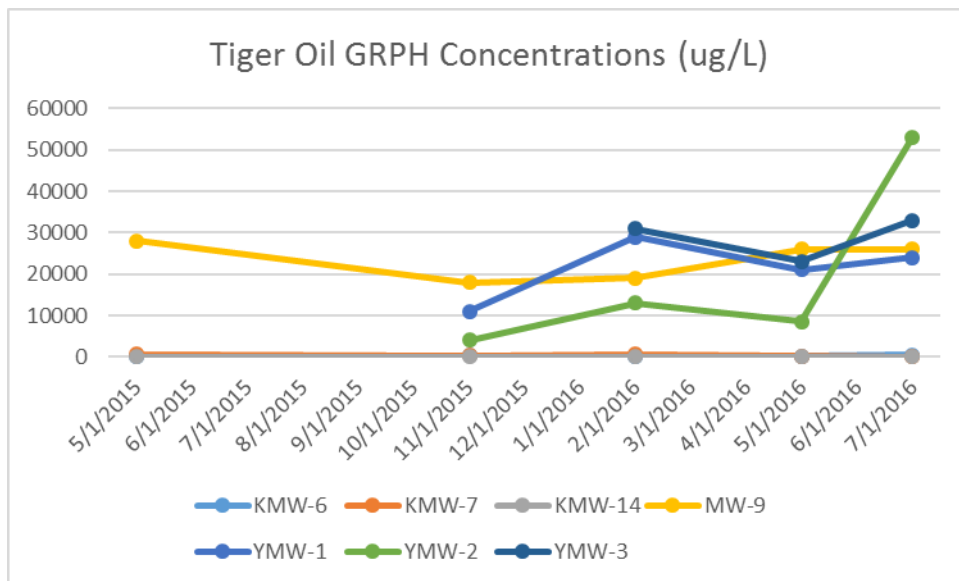
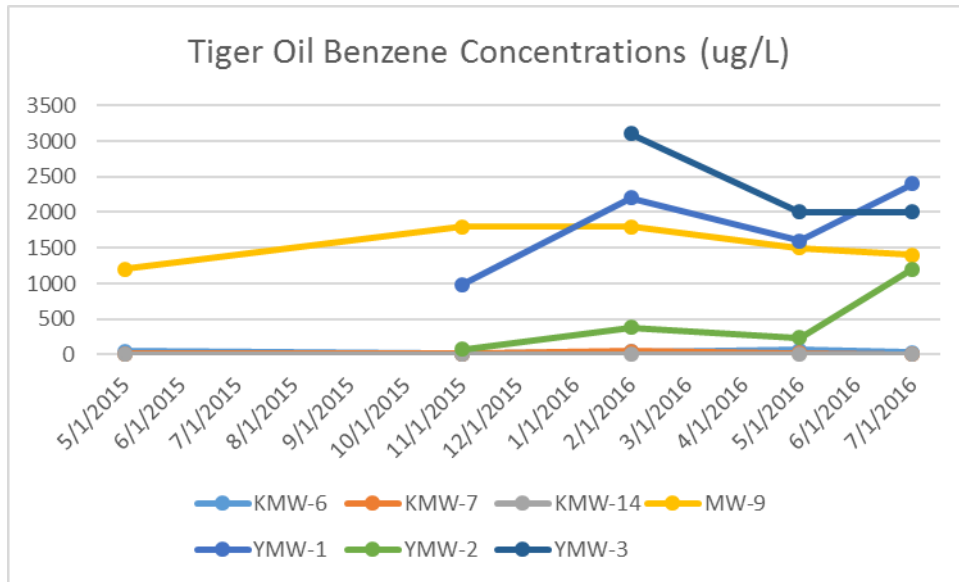
There were no observed indications that the integrity of the remedial action has been compromised. Exposure pathways to residual contaminated soils (ingestion, direct contact) continue to be reduced by previous remedial excavations and by the presence of buildings and the compacted gravel surface. The Site is not restricted from access by the general public.

3.1.2 Groundwater

Groundwater monitoring has continued at the Site following remedial actions in 2015. Benzene and TPH-G concentrations continue to exceed MTCA Method A cleanup levels in multiple wells downgradient of the remedial excavation and source area; however, benzene and TPH-G concentrations do not exceed MTCA Method A cleanup levels at the conditional point of compliance wells.

As expected, contaminant concentrations have increased at some locations downgradient of the remedial excavation (YMW-1, YMW-2 and YMW-3) due to mobilization following the remedial excavation and application of chemical oxidation agents. It is expected that contaminant concentrations will decline in future sampling events. Measureable NAPL was no longer detected in MW-11, which is located immediately adjacent to the remedial excavation, and it was able to be sampled for dissolved contaminant concentrations for the first time.

The charts below indicate the trends in benzene and GRPH concentrations since May 2015 at seven wells at the Site, including KMW-6, KMW-7, KMW-14, MW-9, YMW-1, YMW-2 and YMW-3.



Recoverable non-aqueous phase liquid (NAPL) petroleum hydrocarbons remain at the Site, and additional remedial actions are required to remove remaining NAPL; however, there is not currently a threat of exposure to NAPL. As long as institutional controls prevent the extraction and exposure of contaminated groundwater, groundwater monitoring is conducted to verify the plume of contaminated groundwater is stable and not expanding beyond Site boundaries, and permanent Site surfaces prevent infiltration of surface water and direct exposure to contaminated soils, then the remedy does not pose an immediate threat to human health or the environment.

3.1.3 Institutional Controls

The restrictive covenant for the Site was recorded and remains active. There is no evidence a new instrument has been recorded which limits the effectiveness or applicability of the covenant. This covenant prohibits the extraction of groundwater from the Site, activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and any use of the property that is inconsistent with the covenant. This covenant serves to assure the long term integrity of the surface cover.

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

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

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

MTCA Method A cleanup levels are still being used at the Site. These cleanup levels have not changed for contaminants of concern for the Site since the most recent remedial actions were conducted in 2015.

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 current use does not pose a threat to the remedy implemented at the Site.

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 effect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

- The remedy implemented at the Site to date does not meet the minimum requirements of MTCA and fails to be protective of human health and the environment; however, contaminants at the Site do not pose an *immediate* threat to human health and the environment. Exposure to contaminated soil, groundwater, and NAPL remaining beneath the Site is not likely as long as institutional controls and permanent Site surfaces are maintained.
- Soil and groundwater 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 restrictive 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, the Department of Ecology has determined that the requirements of the restrictive covenant are being followed. Additional remedial actions are required by the property owner, and are ongoing. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the cap is maintained.

4.1 Next Review

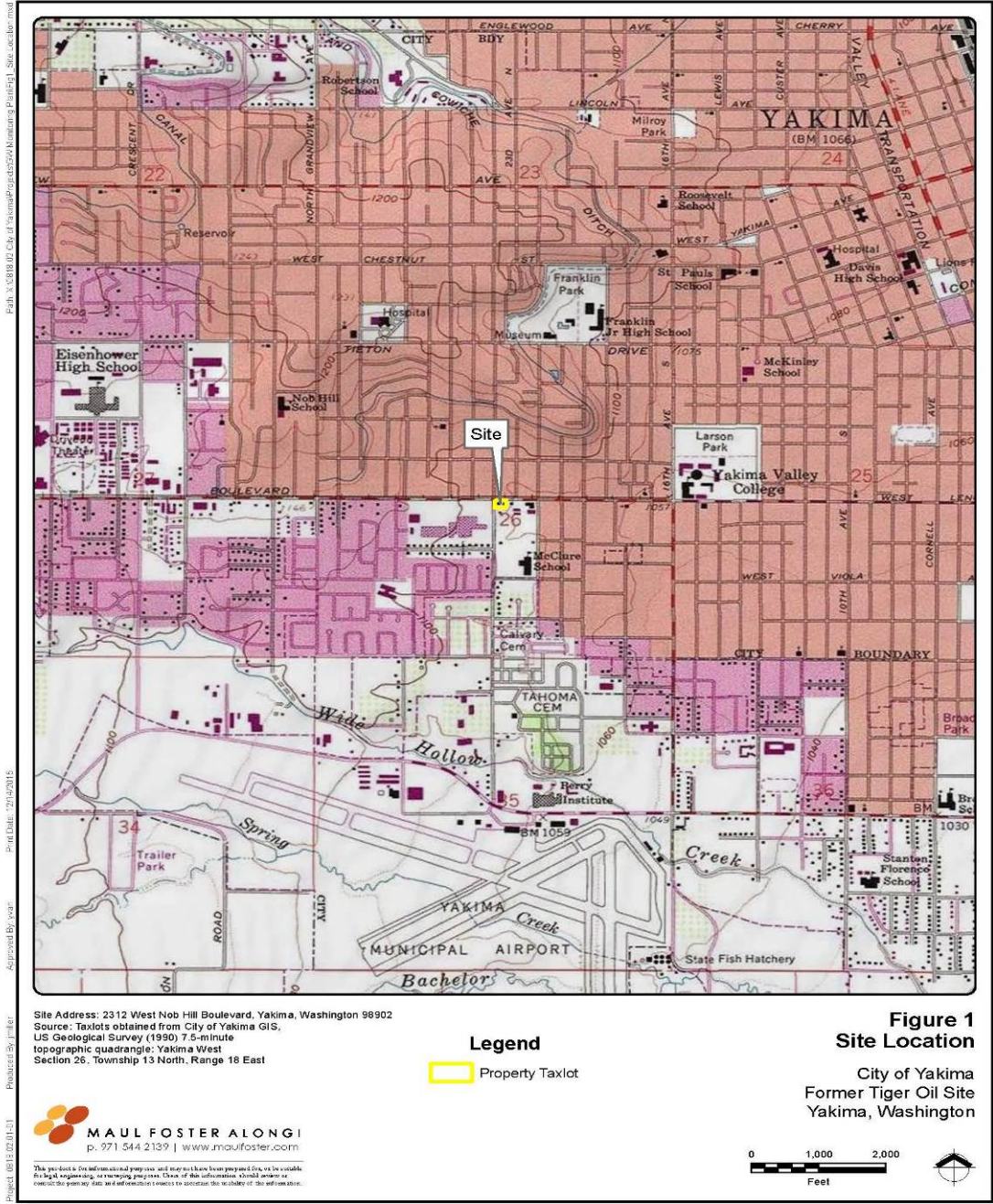
The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

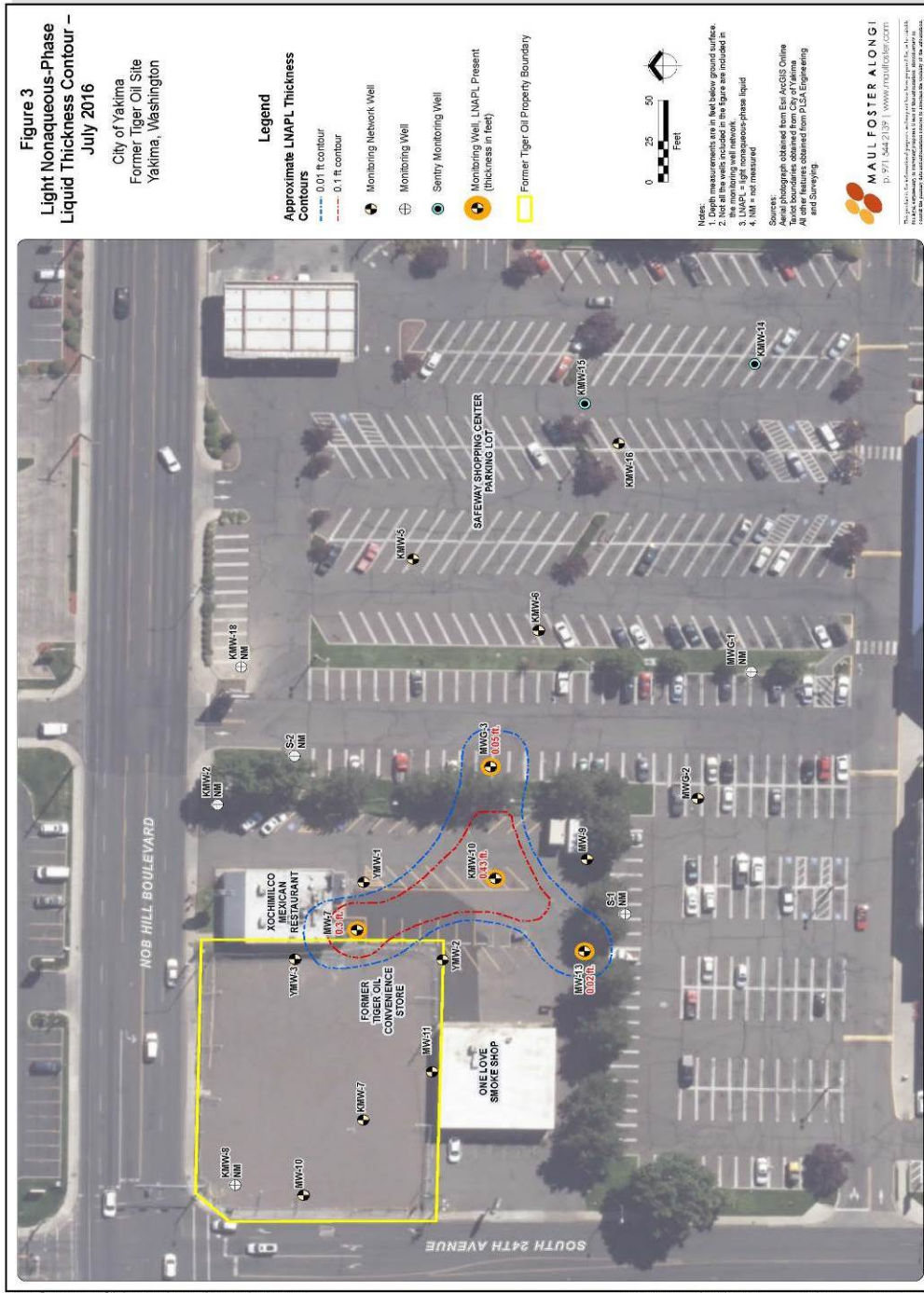
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6.0 APPENDICIES

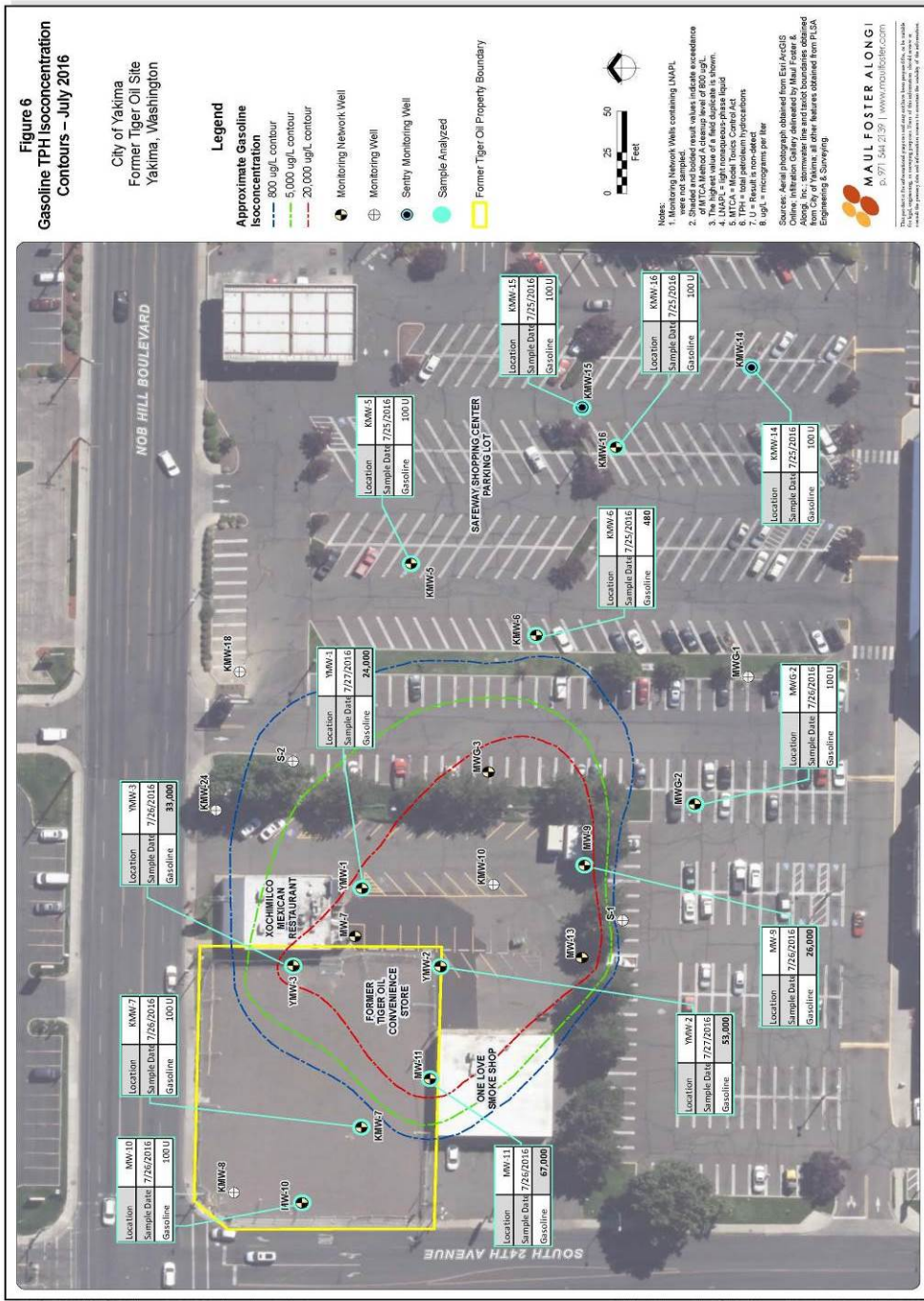
6.1 Vicinity Map



6.2 Site Plan



6.3 GRPH Isoconcentration Map



6.4 Groundwater Monitoring Data

Table 4
Summary of Groundwater Analytical Results
Former Tiger Oil Site
City of Yakima
Yakima, Washington

Location	Collection Date	Chemicals of Interest				
		Benzene	Ethylbenzene	Toluene	Xylenes ^a	Gasoline TPH
Units		ug/L	ug/L	ug/L	ug/L	ug/L
MTC A Method A Cleanup Level (ug/L)		5	700	1,000	1,000	800 ^b
KMW-5	05/27/2015	1 U	1 U	1 U	1 U	100 U
	02/02/2016	1 U	1 U	1 U	1 U	100 U
	05/09/2016	1 U	1 U	2 U	1 U	100 U
	07/25/2016	1 U	1 U	1 U	1 U	100 U
KMW-6	05/28/2015	47	1.6	1 U	1 U	100 U
	11/03/2015	15	18	7.4	35.6	410
	02/01/2016	42	22	4 U	7.4	100 U
	05/09/2016	69	33	3 U	3	270
	07/25/2016	31	32	2	14	480
KMW-7	05/29/2015	8.4	14	2	88	620
	11/02/2015	13	21	1 U	5.6	350
	02/03/2016	47	41	1 U	2.6	610
	05/10/2016	25	21	2.3 U	1 U	250
	07/26/2016	3.1	1.5	1 U	1 U	100 U
KMW-8	05/29/2015	1 U	1 U	1 U	1 U	100 U
KMW-10	05/29/2015	830	1,200	4,000	6,400	81,000
KMW-14	05/28/2015	1.9	1 U	1 U	1 U	100 U
	11/03/2015	5.5	1 U	1 U	1 U	100 U
	02/02/2016	3	1 U	1 U	1 U	100 U
	05/09/2016	1 U	1 U	1.9 U	1 U	100 U
	07/25/2016	1 U	1 U	1 U	1 U	100 U
KMW-15	11/03/2015	1 U	1 U	1 U	1 U	100 U
	02/02/2016	1 U	1 U	1 U	1 U	100 U
	05/09/2016	1 U	1 U	1.1 U	1 U	100 U
	07/25/2016	1 U	1 U	1 U	1 U	100 U
KMW-16	05/28/2015	60	9.6	1 U	5.1	280
	11/03/2015	1 U	1 U	1 U	1 U	100 U
	02/02/2016	1 U	1 U	1 U	1 U	200
	05/09/2016	7.6	1 U	1 U	1 U	200
	07/25/2016	1 U	1 U	1 U	1 U	100 U
KMW-18	05/27/2015	1 U	1 U	1 U	1 U	100 U
KMW-24	05/29/2015	1 U	1 U	1 U	1 U	100 U
		1.7	1 U	1 U	1 U	100 U

Table 4
Summary of Groundwater Analytical Results
Former Tiger Oil Site
City of Yakima
Yakima, Washington

Location	Collection Date	Chemicals of Interest				
		Benzene	Ethylbenzene	Toluene	Xylenes ^a	Gasoline TPH
Units		ug/L	ug/L	ug/L	ug/L	ug/L
MTC A Method A Cleanup Level (ug/L)		5	700	1,000	1,000	800 ^b
MW-9	05/28/2015	1,200	740	1,900	2,780	28,000
	11/03/2015	1,800	720	1,400	2,240	18,000
	02/02/2016	1,800	850	1,500	2,670	19,000
	05/10/2016	1,500	960	1,700	2,810	26,000
	07/26/2016	1,400	1,300	2,100	3,600	26,000
MW-10	11/02/2015	1 U	1 U	1 U	1 U	100 U
	02/03/2016	1 U	1 U	1 U	1 U	100 U
	05/10/2016	1 U	1 U	1 U	1 U	100 U
	07/26/2016	1 U	1 U	1 U	1 U	100 U
MW-11	07/26/2016	110	1,400	150	15,900	67,000
MW-13	05/28/2015	32	1,500	510	12,500	92,000
MWG-1	05/28/2015	1 U	1 U	1 U	1 U	100 U
MWG-2	02/03/2016	1 U	1 U	1 U	1 U	100 U
	05/09/2016	1 U	1 U	2.1 U	1 U	100 U
	07/26/2016	1 U	1 U	1 U	1 U	100 U
MWG-3	05/28/2015	3,300	2,700	710	8,000	64,000
S-1	05/28/2015	1 U	7.2	1 U	3.2	200
S-2	05/27/2015	1,300	200	10 U	56	1,600
YMW-1	11/04/2015	990	470	1,400	1,430	11,000
	02/02/2016	2,200	840	3,900	3,350	29,000
	05/10/2016	1,600	750	2,500	2,750	21,000
	07/27/2016	2,400	930	3,200	3,800	24,000
YMW-2	11/04/2015	72	150	130	770	3,700
		76	160	140	840	4,100
	02/01/2016	380	300	630	2,510	13,000
		380	310	650	2,630	13,000
	05/10/2016	240	180	570	1,070	6,600
		240	190	590	1,110	8,500
	07/27/2016	1,200	1,500	2,800	8,000	52,000
		1,200	1,500	2,800	8,200	53,000
YMW-3	02/01/2016	3,100	1,200	1,800	5,700	31,000
	05/10/2016	2,000	980	1,100	3,210	23,000
	07/26/2016	2,000	1,400	2,100	5,100	33,000

Table 4
Summary of Groundwater Analytical Results
Former Tiger Oil Site
City of Yakima
Yakima, Washington

NOTES:

Detected results are indicated by bold font.

Shaded result values indicate exceedance of MTC A Method A cleanup level.

MTC A = Model Toxics Control Act.

TPH = total petroleum hydrocarbons.

U = Result is non-detect.

ug/L = micrograms per liter.

^aXylenes are the sum of m,p- and o-xylene. Non-detect results are summed at half of the non-detect value. The highest non-detect value is used when both results are non-detect.

^bMTC A Method A cleanup level for gasoline with benzene present.

6.5 Environmental Covenant

Return Address
McCreehy Law Office, P.C.
3184 Elder Street
Boise, Idaho 83705

Document 1 Title: Restrictive Covenant

Reference #'s: _____
Additional reference #'s on page _____

Grantors: Tiger Oil Corporation

Grantees: _____

Additional grantors on page _____

additional grantees on page _____

Document 2 Title: _____

Reference #'s: _____
Additional reference #'s on page _____

Grantors: _____

Grantees: _____

Additional grantors on page _____

additional grantees on page _____

Legal Description (abbreviated form: i.e. lot, blk, plat or S,T,R quarter/quarter)
S. 26, T. 13 N., R. 18, NW 1/4 NW 1/4 SE 1/4 and NW 1/4 SE 1/4
Additional legal is on page _____ Attachment A

Assessor's Property Tax Parcel/Account Number
181326-42051-8 AC 333

Emergency nonstandard document recording: I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature: _____

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.



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ORIGINAL

Restrictive Covenant for Tiger Oil Corporation Property

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Tiger Oil Corporation ("Tiger") its successors and assigns, and the State of Washington Department of Ecology ("Ecology"), its successors and assigns.

Pursuant to a Consent Decree entered in *State of Washington v. Tiger Oil Corporation*, Thurston County Superior Court, Cause No. 02-2-00956-2, a remedial action involving the Cleanup Action Plan (the "CAP") described by that Decree, which includes soil removal, the installation and operation of additional soil vapor extraction lines, if necessary, and continued operation of other remedial measures (the "Remedial Action") will be implemented on Tiger's property within the Tiger Oil Site ("Site") that is described in the Decree. Exhibit B to the Decree is the CAP which describes the remedial action being conducted, and Exhibit C describes the work schedule. The Decree and other documents relating to the Tiger Oil Site are on file at Ecology's Central Regional Office, 15 West Yakima Avenue, Yakima, WA 98902.

This Restrictive Covenant is required because the remedial action may not address all of the contamination at the Tiger Oil Site. Thus, the residual concentrations of total petroleum hydrocarbons, benzene, toluene, ethylbenzene and xylenes (the "Identified Substances") within the Site may, despite the remedial action, still exceed the Model Toxics Control Act Method A Cleanup Levels for soil and groundwater established under WAC 173-340-720 and 740.

The undersigned, Tiger Oil Corporation is the fee owner of real property in the County of Yakima, State of Washington on which a portion of the remedial action is to



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be conducted ("Property"). The Property that is subject to this Restrictive Covenant is shown on the attached Figure 1, and is legally described on Attachment A hereto.

Tiger Oil Corporation 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. No groundwater may be taken for domestic use from the Property unless the Method A groundwater Cleanup Levels for the Identified Substances have been met at the Property, or as otherwise approved by Ecology in writing.

Section 2. Any activity on the Property that may interfere with the integrity of either the remedial action or existing monitoring wells on the Property that are part of the remedial action is prohibited without the prior written approval of Ecology, which shall not be unreasonably withheld or delayed.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of contaminated soil or create a new exposure pathway is prohibited without the prior written approval of Ecology, which shall not be unreasonably withheld or delayed. Some activities that are prohibited on the Property where contaminated soil is known to be located or may be located 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. Activities involving the routine repair and maintenance of the Property or existing improvements on it can be conducted without any prior written approval of



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Ecology to the extent that such activities otherwise comply with this Restrictive Covenant.


Section 4. At least fifteen (15) days prior to transfer of a fee interest in all or any portion of the Property on which an SVE System operated by Tiger is located, the Owner of the Property must give advance written notice to Ecology of such transfer. The Owner shall not consummate any voluntary or involuntary conveyance or relinquishment of title, easement or other interest in the Property without provision, as necessary, for continued operation, maintenance and monitoring of the remedial action on the Property.

Section 5. The Owner shall allow Ecology and its authorized representatives the right to enter the Property as specified in the Consent Decree.

Section 6. 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 Owner also reserves the right to request that Ecology limit the scope of this Restrictive Covenant in the event sampling and monitoring data demonstrate that portions of the Property meet Method A cleanup levels for soil and groundwater. Ecology's approval of such a request shall not be unreasonably withheld or delayed.

DATED this 31st day of January, 2005.

TIGER OIL CORPORATION


By: Charles D. Conley
Its: President

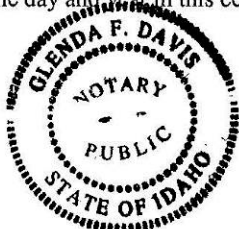


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STATE OF IDAHO)
) ss:
County of Ada)

On this 31st day of January, 2005, before me, the undersigned Notary Public in and for said State, personally appeared **CHARLES D. CONLEY**, known or identified to me to be the President of **TIGER OIL CORPORATION**, the corporation that executed the within instrument, and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.



Glenda F. Davis
Notary Public for Idaho
Residing at MERIDIAN, Idaho
My Commission Expires: 08/05

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ATTACHMENT A

DESCRIPTION

Parcel A:

The North 141 feet of the West 147 feet of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 26, Township 13 North, Range 18, E.W.M., EXCEPT the North 26 feet and the West 20 feet

AND EXCEPT those portions conveyed to the City of Yakima by deeds recorded October 16, 1964, under Auditor's File NO's. 2014381, 2014382 and 2787766.

ASSESSOR'S PARCEL NO.: 181326-42051-8 Area Code 333

Situated in Yakima County, State of Washington.

Parcel B:

That portion of the Northwest 1/4 of the Southeast 1/4 of Section 26, Township 13 North, Range 18, described as follows:

Commencing at the Northwest corner of said subdivision;
thence South along the Centerline of 24th Avenue South, a distance of 141.00 feet, said centerline being the West line of said subdivision;
thence South 89° 17' 00" East a distance of 28.50 feet to the Easterly margin of said 24th Avenue South and the true point of beginning;
thence continuing South 89° 17' 00" East a distance of 118.50 feet;
thence North on a line parallel with the West line of said subdivision 115.00 feet to the Southerly margin of Nob Hill Boulevard;
thence South 89° 17' 00" East along said Southerly margin a distance of 40.00 feet;
thence South a distance of 132.00 feet;
thence North 89° 17' 00" West a distance of 158.51 feet to the Easterly margin of 24th Avenue South;
thence North along said Easterly margin a distance of 17.00 feet to the true point of beginning.

ASSESSOR'S PARCEL NO.: 181326-42051-8 Area Code 333

Situated in Yakima County, State of Washington.



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6.6 Photo log

Photo 1: Former Tiger Mart Site - from the west



Photo 2: Monitoring Well and Former Tiger Mart Site - from the northwest



Photo 3: East Edge of Site and West Side of Safeway Parking Lot - from the north



Photo 4: Surface Above Residual NAPL - from the south

