



Periodic Review

HICO Store 648
1960 Northeast Terre View Drive
Pullman, Washington 99163

Facility Site ID#: 46584958
Cleanup Site ID#: 6136

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

September 2017

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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 HICO Store 648 site (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) under VCP No. EA0099. The cleanup actions resulted in residual concentrations of petroleum hydrocarbons that exceeded MTCA Method A cleanup levels for groundwater established under WAC 173-340-720(1). It was determined that institutional controls in the form of an environmental 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 of mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

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

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site History

The Site is located at 1960 NE Terre View Drive in Pullman. The 0.7-acre Site is bordered by Terre View Drive to the southwest, Merman Street to the southeast, multi-unit housing to the northwest, and a restaurant to the northeast. The Site consists of a convenience store building and parking lot. Fuel is no longer distributed from the Site, and all tanks, dispenser islands, and canopies have been removed. The former fuel distribution system consisted of two 10,000-gallon gasoline fuel underground storage tanks (USTs), three gasoline fuel dispensers, and associated underground piping.

Depth to groundwater is approximately 32 feet below ground surface (bgs). Groundwater flow direction is to the south-southwest.

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

2.2 Site Investigations

A Phase II Environmental Site Assessment was conducted in October 1989. Three soil borings were installed to 24 feet bgs. No groundwater was encountered in the borings. Soil samples were analyzed for total petroleum hydrocarbons (TPH); all sample results were non-detect. Four additional soil borings were installed in September 2001 to approximately 40 feet bgs. Groundwater was encountered between 30 and 32 feet bgs. The four borings were completed as groundwater monitoring wells (MW-1 through MW- 4). Soil samples were collected from the borings and were analyzed for gasoline, diesel, and heavy-oil range hydrocarbons. All results were below cleanup levels.

Groundwater samples were collected from all four wells and were analyzed for benzene, toluene, ethylbenzene, xylenes (BTEX), gasoline-range total petroleum hydrocarbons (TPH-G), and methyl tertbutyl ether (MTBE). Gasoline and/or benzene concentrations exceeded cleanup levels in MW-1, MW-2 and MW-3. Another monitoring well (MW-5) was installed in September 2001.

An UST and product line tightness test was conducted in October 2001. The test results indicated that the supreme-grade product line may have a leak. The UST system was removed in August 2002. No obvious holes were noted in either tank; however, stained soil was observed beneath the USTs, the northeast corner of the excavation, and around the fill ports of each UST. Only the soil sample collected from the north sidewall exceeded MTCA Method A cleanup levels for gasoline-range petroleum hydrocarbons at 841 milligrams per kilogram.

Groundwater samples were collected from the monitoring wells in August 2002 (MW-1, MW-3, MW-4, and MW-5; MW-2 was decommissioned). Results indicated TPH-G and/or BTEX exceeded cleanup levels in MW-3, MW-5, and MW-4 (benzene only).

Six additional monitoring wells (MW-6 through MW-11) were installed in 2002. Soil and groundwater sample results from these wells were all below detection limits.

Groundwater samples were collected in January and July 2003, and January 2005. Concentrations of gasoline, benzene, and/or ethylbenzene, xylenes, ethylene dibromide, and MTBE exceeded cleanup levels in MW-1, MW-3, and MW-5.

Shallow groundwater at the Site was evaluated to determine if it met the definition of non-potable. The average depth to shallow groundwater was 32 feet bgs. Tests performed using the on-site monitoring wells indicated yields less than 0.5 gallons per minute.

Although the initial results indicated a low yield, it was uncertain whether the results were representative of the entire aquifer. It was determined that additional information and/or testing was necessary to fully characterize the areal extent and hydraulic properties of the aquifer to ensure that the contamination did not pose a threat to potable water supplies. As an alternative, it was determined that the remedy for the Site would be protective if institutional controls were implemented to restrict groundwater extraction from beneath the Site. That option was implemented in 2009 when institutional controls in the form of an environmental covenant were recorded for 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 must be attained. Standard points of compliance are used for the Site. The standard point of compliance for soil is defined as the area throughout the Site affected by petroleum hydrocarbons in soil above MTCA Method A cleanup levels, regardless of depth, to protect groundwater.

For groundwater, the point of compliance is the point or points where the groundwater cleanup levels must be attained for a site to be in compliance with the cleanup standards. The standard

point of compliance shall be established throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site.

2.4 Site Closure

Following remediation and characterization activities, it was determined that the Site would be eligible for an NFA determination with the implementation of institutional controls in the form of an environmental covenant. An environmental covenant was recorded for the Site in 2009. The covenant imposes the following limitations:

1. No groundwater from the contaminated zone may be taken for any use from the Property. This zone includes all groundwater extracted from the upper 32 feet of the subsurface.
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) 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. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.
6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. 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, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.
8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

A copy of the Environmental Covenant is available as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of Completed Cleanup Actions

During the Site visit conducted on August 8, 2017, no evidence was observed that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or other disturbance activities, and no visual indications of groundwater well installation. The Site continues to be occupied by a mini-mart, and is surrounded by a mix of residential and commercial use properties. The Site no longer serves as a retail petroleum station, and all tanks and dispensers have been removed. A photo log is available as Appendix 6.4.

3.1.1 Direct Contact

Cleanup actions at the Site were intended to eliminate human exposure to contaminated soils and groundwater at the Site. Exposure pathways to contaminated soils (ingestion, direct contact) were eliminated by remedial excavation. No significant amount of contaminated soil remains at the Site at concentrations exceeding MTCA Method A cleanup levels.

3.1.2 Protection of Groundwater

Groundwater with TPH, BTEX, and MTBE concentrations exceeding MTCA Method A cleanup levels may remain beneath the Site; however, the contaminated groundwater is limited to the shallow, perched aquifer and does not extend beyond the property boundaries. There is no risk of exposure to contaminated groundwater beneath the Site unless a new pathway is created by the installation of a new groundwater extraction well.

3.1.3 Institutional Controls

Institutional controls in the form of an environmental covenant were implemented at the Site in 2009. The covenant remains active and discoverable through the Whitman County Auditor's Office. There is no evidence a new instrument has been recorded that limits the effectiveness or applicability of the covenant. This covenant prohibits activities that will result in the release and exposure of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the covenant. This covenant serves to assure the long-term integrity of the remedial action.

3.2 New Scientific Information for Individual Hazardous Substances for Mixtures Present at the Site

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

3.3 New Applicable State and Federal Laws for Hazardous Substances Present at the Site

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

3.4 Current and Projected Site Use

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the remedy.

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 Site-specific 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.
- Groundwater cleanup levels have not been met at the Site; however, the cleanup action for the Site is determined to comply with cleanup standards under WAC 173-340-740(6)(f), since the long-term integrity of the remedy is ensured through the use of institutional controls.
- 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

Klienfelder. *Groundwater Monitoring Report and MTCA Evaluation*. February 2005.

Ecology. *VCP Review*. August 22, 2005.

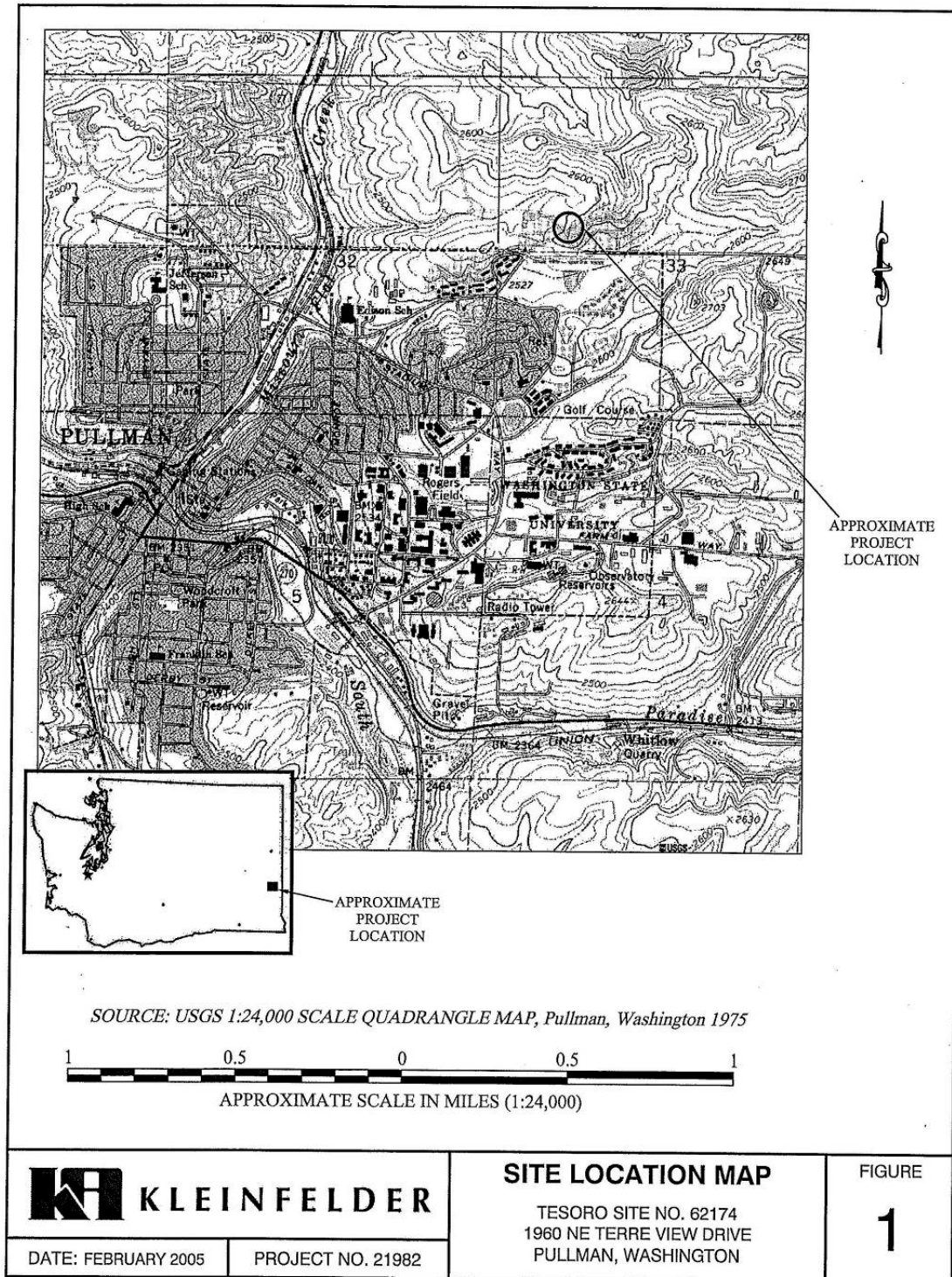
Michael and Terry Wagoner. *Environmental Covenant*. November 4, 2009.

Ecology. *No Further Action Determination Letter*. December 1, 2009.

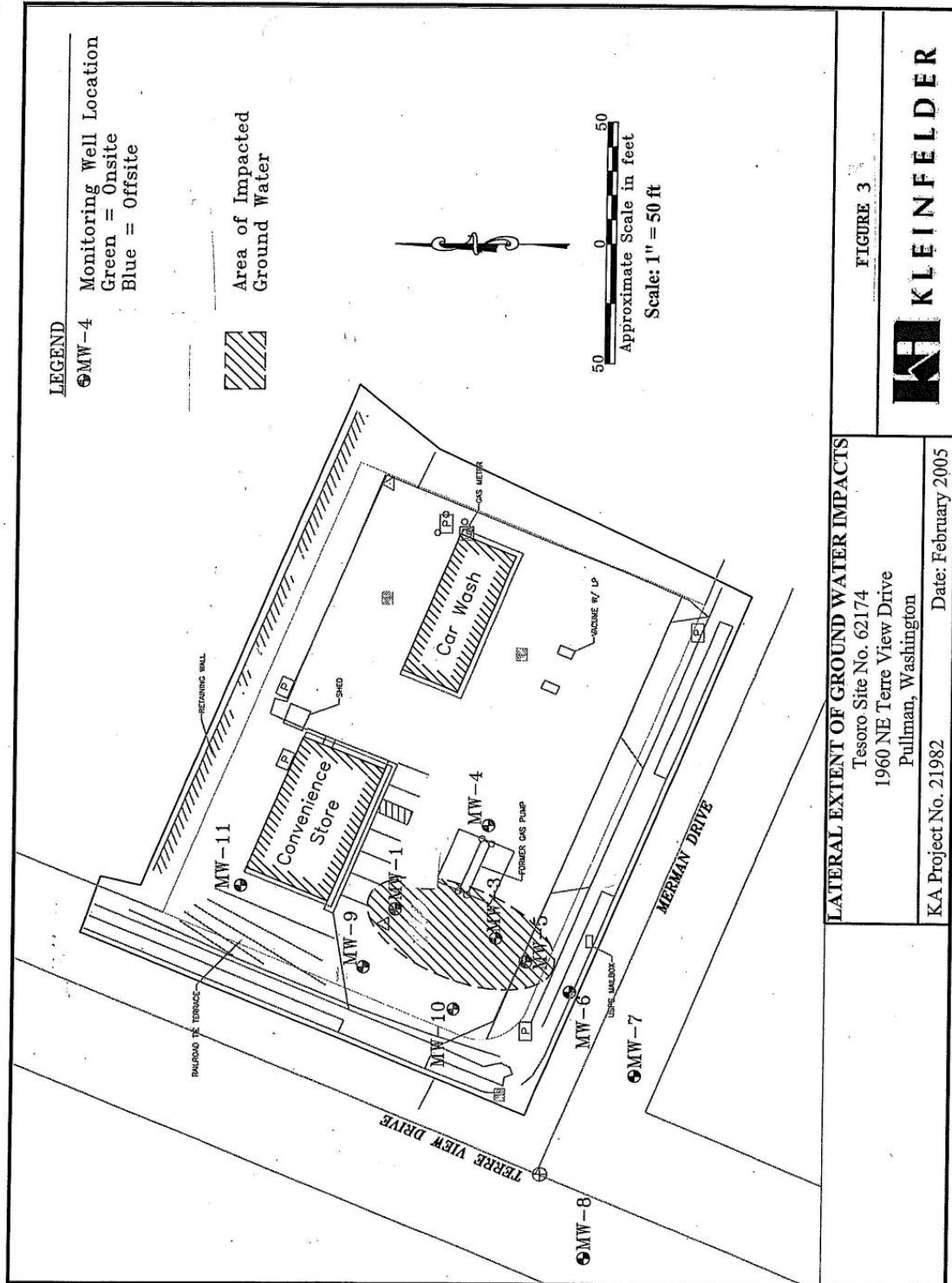
Ecology. *Site Visit*. August 8, 2017.

6.0 APPENDICIES

6.1 Vicinity Map



6.2 Site Plan



6.3 Environmental Covenant

After Recording Return to:
Patti Carter
Department of Ecology
4601 N. Monroe Street
Spokane, WA 99205-1295

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Covenants Rec Fee: \$ 66.00
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Eunice L. Coker, Whitman County Auditor



Environmental Covenant

WA3028

Grantor: Michael D. and Terry L. Wagoner and Jack and Debbie Willey

Grantee: State of Washington, Department of Ecology

Legal: Tract A of Pullman Joint Venture Property Lines Adj./Short Plat, recorded under Recording No 495966, being a portion of Lot 2, Block 2, North Campus Heights Addition, according to plat thereof, recorded under Recording No. 388868, in Whitman County, WA.

Tax Parcel Nos.: 1-1190-00-02-02-0003

Grantor, Michael D. and Terry L. Wagoner and Jack and Debbie Willey, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 9th day of September, 2009 in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Michael D. and Terry L. Wagoner and Jack and Debbie Willey, 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 Covenant. The Remedial Action conducted at the property is described in the following documents:

- Tesoro Site No. 62174, 1960 NE Terre View Drive, Pullman, Washington; Kleinfelder letter dated March 15, 2006.

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Eunice L. Coker, Whitman County Auditor



- Groundwater Monitoring Report and Model Toxics Control Act (MTCA) Evaluation, Tesoro Site No. 62174, 1960 NE Terre View Drive, Pullman, Washington: Kleinfelder, Inc., February 2005.
- UST Closure and Site Assessment Report, Tesoro Site No. 62174, 1960 NE Terre View Drive, Pullman, Washington: Kleinfelder, Inc., March 17, 2003.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Covenant is required because the Remedial Action resulted in residual concentrations of gasoline, benzene, ethylbenzene, xylenes, EDB and MTBE which exceed the Model Toxics Control Act Method A Cleanup Levels for groundwater established under WAC 173-340-720.

The undersigned, Michael D. and Terry L. Wagoner and Jack and Debbie Willey, are the fee owners of real property (hereafter "Property") in the County of Whitman, State of Washington that is subject to this Covenant. The Property is legally described as follows:

Tract A of Pullman Joint Venture Property Lines Adj./Short Plat, recorded under Recording No 495966, being a portion of Lot 2, Block 2, North Campus Heights Addition, according to plat thereof, recorded under Recording No. 388868, in Whitman County, WA.

Michael D. and Terry L. Wagoner and Jack and Debbie Willey make the following declaration as to limitations, restrictions, and uses to which the Property may be put and specify 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 from the contaminated zone may be taken for any use from the Property. This zone includes all groundwater extracted from the upper 32 feet of the subsurface.

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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 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 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, to determine compliance with this Covenant, 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 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.

Michael D. Wagoner


Owner

Dated: 9/8/09

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Covenants Rec Fee: \$ 60.00
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Eunice L. Coker, Whitman County Auditor



Terry L. Wagoner

Terry L. Wagoner
Owner

Dated: 9/8/09

Jack Willey

Jack Willey
Owner

Dated: 9/9/09

Debbie Willey

Debbie Willey
Owner

Dated: 9/09/09

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Michael A. Hibbler
Michael A. Hibbler
Section Manager, Toxics Cleanup Program

Dated: 10/12/09

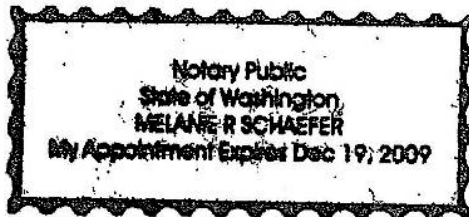
STATE OF WASHINGTON
COUNTY OF WHITMAN

696137

Covenants Rec Fee: \$ 66.00
11/04/2009 02:17 PM Page: 5 of 5
Eunice L. Coker, Whitman County Auditor



On this 9th day of September, 2008, I certify that Michael D. Wagoner, Terry L. Wagoner, Jack Willey, and Debbie Willey personally appeared before me, and acknowledged that they are the individuals described herein and who executed the within and foregoing instrument and signed the same at their free and voluntary act and deed for the uses and purposes therein mentioned.



Melane R Schaefer

Notary Public in and for the State of
Washington, residing at Pullman
My appointment expires 12-19-2009

Exhibit A
Legal Description

Tract A of Pullman Joint Venture Property Lines Adjustment/Short Plat, recorded under Recording No. 495966, being a portion of Lot 2, Block 2, North Campus Heights Addition, according to plat thereof, under Recording No. 388868, in Whitman County, Washington

6.4 Photo Log

Photo 1: HICO Tesoro Site - from the southwest



Photo 2: Former Dispenser Area - from the southwest



Photo 3: Former Tank and Dispenser Location - from the north



Photo 4: East Side of Site and Surrounding Area – from the west

