



Periodic Review

Zip Trip Store 35
Facility/Site ID #: 33243444
Cleanup Site ID#: 5844

909 North Division Street
Spokane, Washington 99202

Prepared by:
Toxics Cleanup Program
Eastern Regional Office

January 2019

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1.0 INTRODUCTION

This document is the Washington State Department of Ecology's (Ecology) review of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the Zip Trip Store 35 site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC).

Cleanup activities at this Site were evaluated through the Voluntary Cleanup Program (VCP) under VCP No. EA0202. The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) in soil that exceed MTCA Method A cleanup levels established under WAC 173-340-740(2). As a result of residual contamination, institutional controls were required for the Site to be eligible for a no further action (NFA) determination. The MTCA rule 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 Zip Trip Store 35 is located at 909 North Division Street in Spokane. The site is currently used as a retail gasoline station and convenience store with three underground storage tanks (USTs): one 15,000-gallon unleaded gasoline, two 8,000-gallon unleaded gasoline, and two pump islands. The Site is situated at the southwest corner of the intersection of North Division Street and West Cataldo Avenue. Surrounding properties are mixed commercial and light industrial. The site is almost entirely paved with asphalt and concrete, except for a grassy swale located at the northeastern corner of the property.

The Site was railroad property for approximately 100 years prior to the removal of the railroad tracks and construction of a commercial gasoline station in 1995. Prior to the Zip Trip, the site was a Maid O'Clover fuel station and food mart.

The Spokane River is 0.2 miles south of the site. Basalt bedrock was encountered at approximately two feet below ground surface (bgs) at the Site. Groundwater was encountered between 12 and 37 feet bgs within the bedrock.

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

2.2 Remedial Investigations

Environmental Site Assessments were conducted in October 2001, March 2004, and May 2006. Three soil borings were installed in May 2004: one east of the north pump island (B1), one southeast of the north pump island (B2), and one south of the three USTs (B3). Boring B1 was advanced to 15 feet bgs; groundwater was encountered at 12 feet bgs. Boring B2 was advanced to 40 feet bgs; groundwater was encountered at 37 feet. Boring B3 was advanced to 18 feet bgs; groundwater was encountered at 15 feet.

Soil samples collected from the borings were analyzed for TPH. Groundwater samples were analyzed for TPH; benzene, toluene, ethylbenzene, and xylenes (BTEX); volatile organic compounds (VOCs); and lead. TPH diesel and TPH oil were detected at concentrations below cleanup levels in soil samples from all three borings. TPH diesel and TPH oil exceeded the cleanup levels in the groundwater samples from all three borings with maximum concentrations of 3,670 and 7,070 micrograms per liter ($\mu\text{g/L}$), respectively. The VOC methyl tert-butyl ether (MTBE) exceeded the cleanup level in the groundwater sample from B2. Lead concentrations exceeded the cleanup level in the sample from B3 ($58.5 \mu\text{g/l}$); results from B1 and B2 were non-detect for all contaminants.

The May 2006 report recommended installing three groundwater water monitoring wells. One well would be located hydraulically upgradient of the tanks and dispenser islands, and two wells would be installed in the downgradient direction.

Ecology issued a VCP opinion letter in July 2007 recommending the following actions:

-
- Collect a minimum of four consecutive quarters of groundwater samples.
 - Take groundwater elevation measurements during each sampling event to determine groundwater flow direction and gradient.
 - Collect soil samples from each boring.

Four soil borings (B-1 through B-4) were installed in February 2009. Soil samples were collected from each of the borings; concentrations of trichloroethene (TCE) and cadmium exceeded the cleanup levels in B-3. All other results were non-detect or below cleanup levels.

The soil borings were completed as monitoring wells (MW-1 through MW-4, see Appendix 6.2 for exact locations) and groundwater samples were collected in February 2009. All results were non-detect or below cleanup levels for all contaminants of concern. Groundwater samples were collected in July and October 2009, and January 2010. Heavy-oil range hydrocarbons were detected in MW-1 in July 2009, but were non-detect in October 2009 and January 2010. MTBE was detected in MW-1 in all three sampling events. Polycyclic aromatic hydrocarbons (PAHs) were detected in MW-2 in July 2009, but were non-detect during the October 2009 and January 2010 sampling events.

A duplicate sample was collected from MW-1 in July 2009; the heavy oil concentration was non-detect for the duplicate. All PAH results from MW-2 were non-detect except during the July 2009 sampling event. These results appear to be due to sampling or laboratory error.

Ecology issued another opinion letter in May 2010 that recommended additional groundwater samples be collected and analyzed for MTBE only. Samples were collected in March, May, August, and December 2012. All results were non-detect or below the cleanup level. Groundwater monitoring data is available as Appendix 6.3.

In summary, diesel and oil range hydrocarbons, MTBE, and lead were detected in groundwater at concentrations exceeding the cleanup levels in 2004. Four monitoring wells were installed in 2009. Groundwater samples were collected from each of the wells; all results were below cleanup levels, except MTBE. Additional groundwater samples were collected for four consecutive quarters in 2012 and analyzed for MTBE. All results were non-detect or below the cleanup level.

The recommended groundwater monitoring was completed; therefore, no additional groundwater monitoring was determined to be necessary. TCE and cadmium remain in soil at concentrations of 0.111 and 3.16 milligrams per kilogram, respectively, in the area of MW-3. These values exceed MTCA Method A cleanup levels, and an environmental covenant was required before an NFA determination could be made.

2.3 Institutional Controls

Because contaminated soil remains at the Site in the vicinity of MW-3, institutional controls in the form of an environmental covenant were required for the Site to be eligible for an NFA determination.

An environmental covenant was recorded for the Site in July 2013. The environmental covenant is intended to prohibit activities that may interfere with the integrity of the cleanup action, or result in exposure of hazardous substances remaining at the Site. The environmental covenant imposes the following restrictions:

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 without prior written approval from Ecology. Some examples of activities that are so 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. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.
4. The Owner of the property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.
5. The Owner must restrict leases to uses and activities consistent with the Environmental 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 Environmental Covenant. Ecology may approve any inconsistent use only after public notice and comment.
7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.
8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Environmental 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.

Following the implementation of institutional controls, Ecology issued an NFA determination in July 2013. A copy of the environmental covenant for the Site is available as Appendix 6.4.

3.0 PERIODIC REVIEW

3.1 Effectiveness of Completed Cleanup Actions

Based on a Site visit Ecology conducted on December 18, 2018, the Site continues to be occupied by a Zip Trip retail fuel facility. The Site remains accessible to public foot traffic and vehicle traffic. The asphalt surface is in acceptable condition. Some cracking is evident that may allow infiltration of surface water through contaminated soils; however, an impermeable surface is not a requirement for the remedy at the Site. No repair, maintenance, or contingency actions have been required. A Photo Log is available as Appendix 6.5.

3.1.1 Soil

Results from soil samples collected in 2009 from MW-3 indicated TCE and cadmium concentrations exceeding MTCA Method A cleanup levels. These soils do not pose a threat to human health and the environment if the surface cover is maintained and protected by the environmental covenant. A combination of asphalt and concrete surfaces exist at the Site and serve as a cap to eliminate the human and ecological exposure pathways (ingestion, contact) to contaminated soils.

3.1.2 Groundwater

None of the groundwater samples collected from the Site contained petroleum hydrocarbon contamination at concentrations exceeding MTCA Method A cleanup levels for at least four consecutive quarters. Groundwater beneath the Site does not appear to contain contaminants at concentrations that pose a threat to human health or the environment. Groundwater monitoring data for the Site is available as Appendix 6.3.

3.1.3 Institutional Controls

An environmental covenant was recorded for the Site in 2013 and remains active. This environmental 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 environmental covenant serves to ensure the long-term integrity of the cleanup action.

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

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

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

Cleanup levels have not changed for contaminants of concern at the Site since the NFA determination was issued in 2007.

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 materials, 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 well 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 cleanup actions completed at the Site remain protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action 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 environmental 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 that the requirements of the environmental covenant are being met. No additional actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to ensure that the integrity of the surface cover 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

Tetra Tech, Inc. *Groundwater Monitoring Report*. February 2010.

Ecology. *Zip Trip #35, Spokane, WA – Status Update*. April 9, 2013.

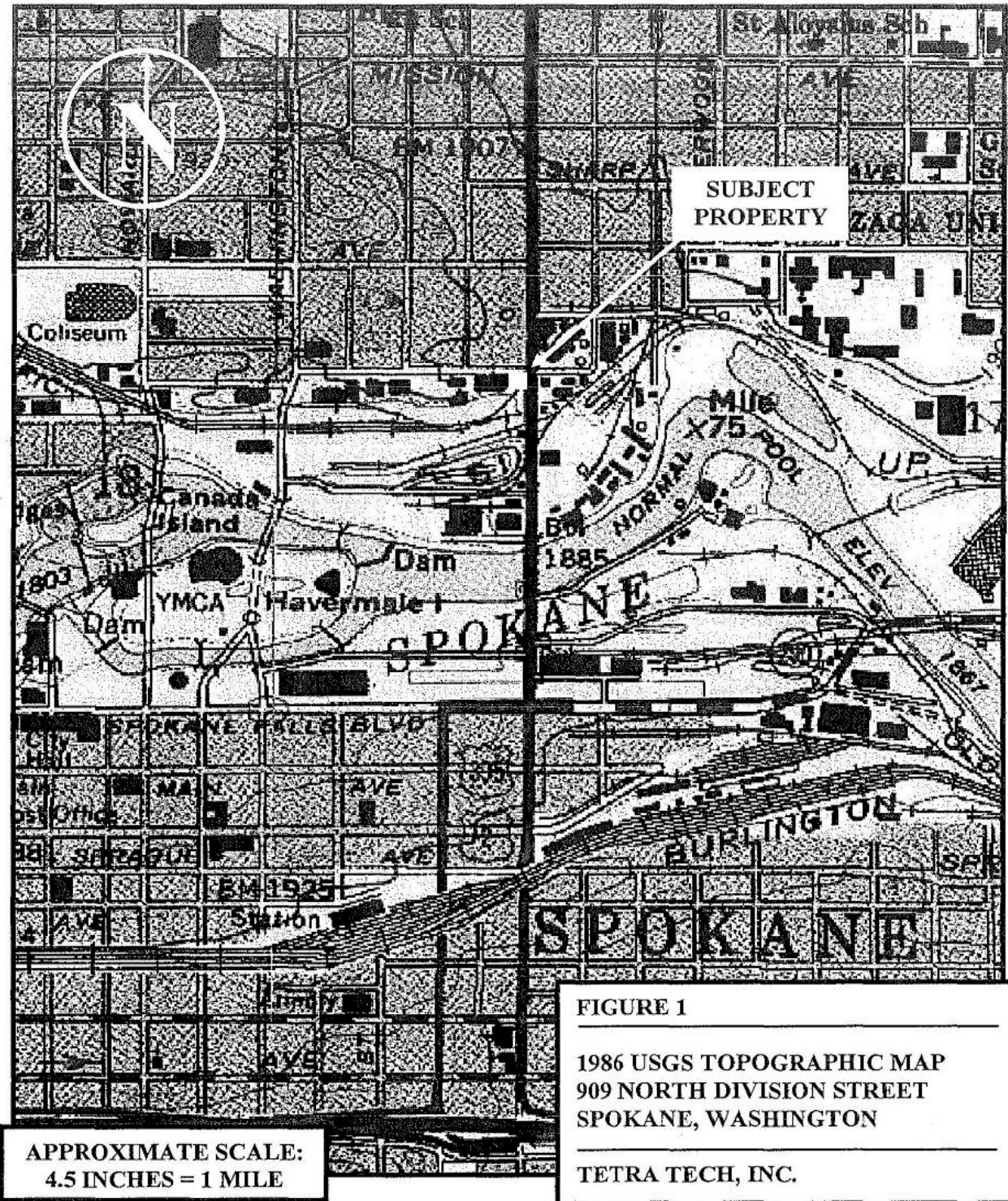
CHS Inc. *Environmental Covenant*. July 1, 2013.

Ecology. *No Further Action Determination*. July 2, 2013.

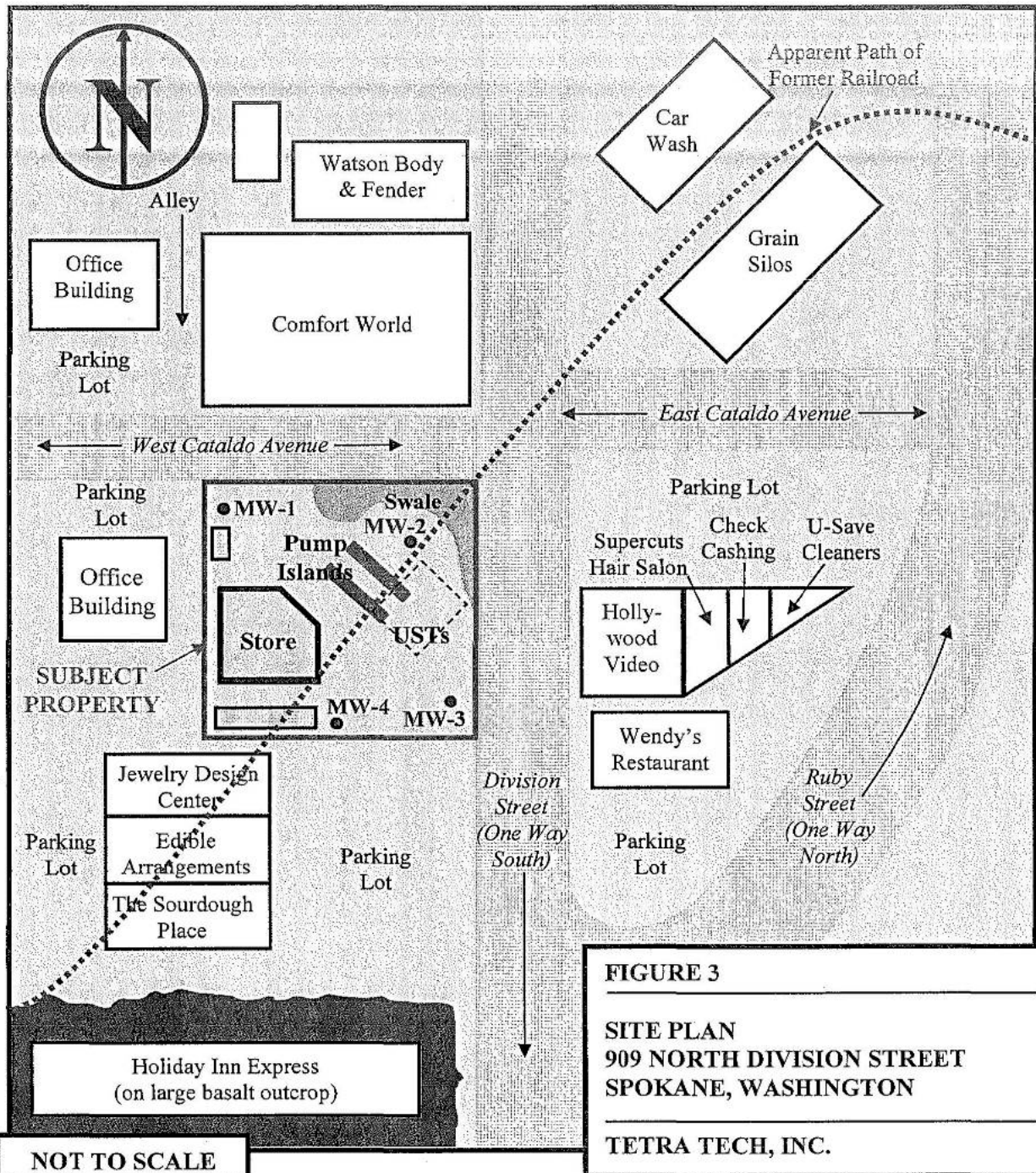
Ecology. *Site Visit*. December 18, 2018.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



6.3 Groundwater Monitoring Data

GROUNDWATER SAMPLE ANALYTICAL RESULTS FOR MW-1

Contaminant (mg/kg) ¹	MTCA Cleanup Level in GW ²	MW-1 2/16/2009	MW-1 7/13/2009 ⁷	MW-1 10/12/2009	MW-1 1/7/2010
<i>Gasoline-Range Contaminants in µg/l by Method NWPTH Gx</i>					
Gasoline	800 µg/l	ND	ND/ND	ND	ND
<i>Oil-, Diesel-Range Contaminants in µg/l by Method NWPTH Dx Extended</i>					
Diesel	500 µg/l	ND	ND/ND	ND	103
Other Heavy Oils	<i>Varies (500 µg/l)</i>	ND	4,380/ND ^{6c}	ND	ND
<i>VOCs in µg/l by EPA Method 8260B or 8021</i>					
MTBE ³	20 µg/l	12.0	22.2/24.7	30.7	28.4
Trichloroethene	5 µg/l	ND	ND/ND	ND	ND
Chloromethane ⁴	3.4 µg/l	ND	ND/ND	ND	ND
Benzene	5 µg/l	ND	ND/ND	ND	ND
Toluene	1,000 µg/l	ND	5.60/5.22 ^{6c}	ND	ND
Ethylbenzene	700 µg/l	ND	ND/ND	ND	ND
Xylenes	1,000 µg/l	ND	ND/ND	ND	ND
Other VOCs	<i>Varies</i>	ND	ND/ND	ND	ND
<i>PAHs including cPAHs in µg/l by EPA Method 8270C</i>					
Naphthalene ⁵	160 µg/l	ND	ND/ND	ND	ND
Other PAHs	<i>Varies</i>	ND	ND/ND	ND	ND
<i>Total Metals in µg/l by EPA Method 200.8</i>					
Arsenic	5 µg/l	ND	ND/ND	ND	ND
Cadmium	5 µg/l	ND	ND/ND	ND	ND
Lead	15 µg/l	ND	ND/ND	ND	ND

¹In general, only chemicals that were identified in groundwater through laboratory analysis are listed in this table; levels of COCs that are above established cleanup levels in bold and the cells have been highlighted.

²MTCA Method A Groundwater Cleanup Levels established by Washington Department of Ecology's Voluntary Cleanup Program Letter dated June 30, 2009.

³MTBE is an analyte of both EPA Methods 8260B and 8021. Analytical results vary slightly between these EPA methods; therefore, the higher of the two results is listed here.

⁴MTCA Method B Soil Cleanup Level as listed by Ecology's CLARC for carcinogenic compounds. No MTCA Method A Level is available.

⁵MTCA Method A Groundwater Level for Total Naphthalenes, including Naphthalene, 1-Methyl Naphthalene and 2-Methyl Naphthalene.

⁶Analytical results for diesel and toluene measured in July are considered erroneous due to contamination of the sample set.

⁷The levels presented here include the concentration from the July sample from MW-1 contrasted with its blind laboratory duplicate sample. ND means not detected above the practical quantitation limit (PQL); for PQLs, see analytical results in report appendices.

GROUNDWATER SAMPLE ANALYTICAL RESULTS FOR MW-3

Contaminant (mg/kg) ¹	MTCA Cleanup Level in GW ²	MW-3 2/16/2009	MW-3 7/13/2009	MW-3 10/12/2009	MW-3 1/7/2010
Gasoline-Range Contaminants in µg/l by Method NWPTH Gx					
Gasoline	800 µg/l	ND	ND	ND	ND
Diesel-Range Contaminants in µg/l by Method NWPTH Dx Extended					
Diesel	500 µg/l	150	ND	ND	ND
Other Heavy Oils	Varies (500 µg/l)	ND	ND	ND	ND
VOCs in µg/l by EPA Method 8260B or 8021					
MTBE ³	20 µg/l	2.10	ND	ND	0.57
Trichloroethene	5 µg/l	ND	ND	ND	ND
Chloromethane ⁴	3.4 µg/l	0.57	ND	ND	ND
Benzene	5 µg/l	ND	ND	ND	ND
Toluene	1,000 µg/l	ND	3.80 ^{6e}	ND	ND
Ethylbenzene	700 µg/l	ND	ND	ND	ND
Xylenes	1,000 µg/l	ND	ND	ND	ND
Other VOCs	Varies	ND	ND	ND	ND
PAHs including cPAHs in µg/l by EPA Method 8270C					
Naphthalene ⁵	160 µg/l	0.050	ND	ND	ND
Other PAHs	Varies	ND	ND	ND	ND
Total Metals in µg/l by EPA Method 200.8					
Arsenic	5 µg/l	ND	ND	ND	ND
Cadmium	5 µg/l	ND	ND	ND	ND
Lead	15 µg/l	ND	ND	ND	ND

¹In general, only chemicals that were identified in groundwater through laboratory analysis are listed in this table; levels of COCs that are above established cleanup levels in bold and the cells have been highlighted.

²MTCA Method A Groundwater Cleanup Levels established by Washington Department of Ecology's Voluntary Cleanup Program Letter dated June 30, 2009.

³MTBE is an analyte of both EPA Methods 8260B and 8021. Analytical results vary slightly between these EPA methods; therefore, the higher of the two results is listed here.

⁴MTCA Method B Soil Cleanup Level as listed by Ecology's CLARC for carcinogenic compounds. No MTCA Method A Level is available.

⁵MTCA Method A Groundwater Level for Total Naphthalenes, including Naphthalene, 1-Methyl Naphthalene and 2-Methyl Naphthalene.

ND means not detected above the practical quantitation limit (PQL); for PQLs, see analytical results in report appendices.

GROUNDWATER SAMPLE ANALYTICAL RESULTS FOR DUPLICATES

Contaminant (mg/kg) ¹	MTCA Cleanup Level in GW ²	MW-4 (D) 2/16/2009	MW-1 (D) 7/13/2009	MW-4 (D) 10/12/2009	MW-2 (D) 1/7/2010
Gasoline-Range Contaminants in µg/l by Method NWPTH Gx					
Gasoline	800 µg/l	ND	ND	ND	ND
Diesel-Range Contaminants in µg/l by Method NWPTH Dx Extended					
Diesel	500 µg/l	238	ND	ND	145
Other Heavy Oils	<i>Varies (500 µg/l)</i>	ND	ND	ND	ND
VOCs in µg/l by EPA Method 8260B or 8021					
MTBE ³	20 µg/l	ND	24.7	ND	9.55
Trichloroethene	5 µg/l	0.71	ND	2.36	ND
Chloromethane ⁴	3.4 µg/l	ND	ND	ND	ND
Benzene	5 µg/l	ND	ND	ND	ND
Toluene	1,000 µg/l	ND	5.22 ^{6e}	ND	ND
Ethylbenzene	700 µg/l	ND	ND	ND	ND
Xylenes	1,000 µg/l	ND	ND	ND	ND
Other VOCs	<i>Varies</i>	ND	ND	ND	ND
PAHs including cPAHs in µg/l by EPA Method 8270C					
Naphthalene ⁵	160 µg/l	ND	ND	ND	ND
Other PAHs	<i>Varies</i>	ND	ND	ND	ND
Total Metals in µg/l by EPA Method 200.8					
Arsenic	5 µg/l	ND	ND	ND	ND
Cadmium	5 µg/l	ND	ND	ND	ND
Lead	15 µg/l	ND	ND	ND	ND

¹In general, only chemicals that were identified in groundwater through laboratory analysis are listed in this table; levels of COCs that are above established cleanup levels in bold and the cells have been highlighted.

²MTCA Method A Groundwater Cleanup Levels established by Washington Department of Ecology's Voluntary Cleanup Program Letter dated June 30, 2009.

³MTBE is an analyte of both EPA Methods 8260B and 8021. Analytical results vary slightly between these EPA methods; therefore, the higher of the two results is listed here.

⁴MTCA Method B Soil Cleanup Level as listed by Ecology's CLARC for carcinogenic compounds. No MTCA Method A Level is available.

⁵MTCA Method A Groundwater Level for Total Naphthalenes, including Naphthalene, 1-Methyl Naphthalene and 2-Methyl Naphthalene.

ND means not detected above the practical quantitation limit (PQL); for PQLs, see analytical results in report appendices.

<i>2012 Groundwater Sampling Results for MTBE in µg/l by EPA Method 8260B MTCA Method A Groundwater Cleanup Level is 20 µg/l</i>					
Date	MW-1	MW-2	MW-3	MW-4	MW-5 DUPE
March 28, 2012	17.5	1.56	ND <0.5	ND <0.5	1.48 Dupe of MW-2
May 15, 2012	15.0	2.66	ND <0.5	ND <0.5	2.33 Dupe of MW-2
August 30, 2012	12.6	3.65	0.43	ND <0.1	0.54 Dupe of MW-3
December 18, 2012	13.2	5.00	0.65	ND <0.5	10.8 Dupe of MW-1

6.4 Environmental Covenant

07/01/2013 02:58:31 PM
Recording Fee \$76.00 Page 1 of 5
Covenant DEPARTMENT OF ECOLOGY
Spokane County Washington

6224323



RETURN NAME and ADDRESS

Department of Ecology - Patti Carter

4601 N. Monroe Street

Spokane, WA 99205

Please Type or Print Neatly and Clearly All Information

Document Title(s)

Environmental Covenant

Reference Number(s) of Related Documents

Grantor(s) (Last Name, First Name, Middle Initial)

CHS Inc.

Grantee(s) (Last Name, First Name, Middle Initial)

State of Washington, Department of Ecology

Legal Description (Abbreviated form is acceptable, i.e. Section/Township/Range/Qtr Section or Lot/Block/Subdivision)

Parcel "F", Northbank Development, SP NO 91-07, Vol. 8, P 22, Spokane County

Assessor's Tax Parcel ID Number 35181.0037

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy and completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard 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 parts of the text of the original document. Fee for non-standard processing is \$50.

Signature of Requesting Party

Environmental Covenant

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

Environmental Covenant

Grantor: CHS Inc.
Grantee: State of Washington, Department of Ecology
Legal: Parcel "F", Northbank Development, SP NO 91-07, Vol. 8, P 22, Spokane County
Tax Parcel Nos.: 35181.0037

Grantor, CHS Inc., 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 13 day of June, 2013 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 CHS Inc., its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document[s]:

1. Site Characterization Report, 909 North Division Street Property, Spokane, Washington: Tetra Tech, Inc. March 2009
2. Groundwater Monitoring Report, 909 North Division Street Property, Spokane, Washington: Tetra Tech, Inc., February 2010

3. Groundwater Monitoring Report, 909 North Division Street Property, Spokane, Washington: Tetra Tech, Inc., January 2013

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

This Covenant is required because the Remedial Action resulted in residual concentrations of cadmium and Trichloroethene which exceed the Model Toxics Control Act Method A Cleanup Level(s) for SOIL established under WAC 173-340-740. The southeast corner of the Property, as identified below, contains the contaminated soil.

The undersigned, CHS Inc., is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington that is subject to this Covenant. The Property is legally described as follows:

PARCEL "F", NORTHBANK DEVELOPMENT, AS PER CITY SHORT PLAT 91-07 RECORDED IN VOLUME 8 OF SHORT PLATS, PAGE 22, RECORDS OF SPOKANE COUNTY; EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED OCTOBER 13, 1993, UNDER AUDITOR'S FILE NO. 9310130046, RECORDS OF SPOKANE COUNTY.

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

Section 1. 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.

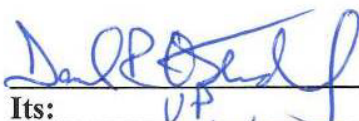
Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

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.

CHS Inc.



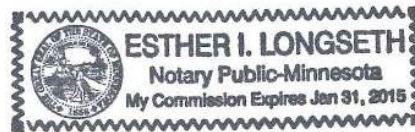
Its: VP
Dated: 6/13/13

STATE OF Minnesota
COUNTY OF Dakota

On this 13th day of June, 2013, I certify that Daniel Ostendorf personally appeared before me, acknowledged that ~~he/she~~ is the Vice President of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that ~~he/she~~ was authorized to execute said instrument for said corporation.



Notary Public in and for the State of
Minnesota, residing at Stillwater, MN.
My appointment
expires 1/31/15.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Michael A. Hibbler
Section Manager, Toxics Cleanup Program
Dated: 17 June 2013

6.5 Photo Log

Photo 1: Zip Trip Store - from the north



Photo 2: MW-3 and Vicinity of Soil Contamination – from the east



Photo 3: Dispenser Island – from the southeast



Photo 4: Adjacent Property Use to the South – from the north

