



## **Periodic Review**

Big Wallys  
9976 North Highway 2  
Coulee City, Washington 99115

Facility Site ID No. 14558  
Cleanup Site ID No. 12069

Completed by:  
Washington State Department of Ecology  
Eastern Regional Office  
Toxics Cleanup Program

October 2019

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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 Big Wallys 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 through the Voluntary Cleanup Program (VCP) under VCP No. EA0251. The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) and benzene 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. WAC 173-340-420(2) requires Ecology 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 Ecology'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.

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## 2.0 SUMMARY OF SITE CONDITIONS

### 2.1 Site History

Big Wallys gas station, market, and restaurant is located in Coulee City in Grant County, Washington. The Site is located in a rural area along Highway 2 and is surrounded by vacant land and residential structures. The Site is currently developed as a vehicle fueling facility with a store and restaurant within the same building footprint. An above-ground storage tank (AST) system with a vehicle-fueling island is currently operating at the Site. The surface is generally improved with asphalt and concrete parking and travel ways.

On March 22, 2010, the station's leak detection system could not account for roughly 214 gallons of premium fuel, and gasoline odors were noticed in the office. An investigation discovered that during a paving job adjacent to the concrete above-ground storage tank (AST) containment system, a contractor accidentally punctured the premium gasoline line that delivers fuel from the storage tank to the main pump island. The punctures were due to the contractor driving pointed steel stakes into the ground to support concrete formwork for a swale. The leak was approximately 15 inches below grade and about 28 inches from the outside of the concrete containment structure.

A Site plan and vicinity map are available as Appendix 6.1.

### 2.2 Site Investigations and Remedial Actions

On March 26, 2010, soil was excavated to 10 feet below ground surface (bgs) at the point of release. Five soil samples were collected from the base of the excavation. Sample results indicated concentrations of gasoline; benzene, toluene, ethylbenzene, and xylene (BTEX) exceeded cleanup levels. Further excavation in the direction of the AST system was not attempted due to the risk of jeopardizing the structural integrity of the containment structure. A map with sample locations and a table with sample results are available as Appendices 6.2 and 6.3, respectively.

Based on the sample results, additional soil was excavated to bedrock at 12.5 feet bgs on April 3. Four soil samples were collected from the expanded excavation, and all results were non-detect or below cleanup levels for all contaminants of concern. The excavation was backfilled with clean material and covered with concrete. Once the contaminated soil was removed, gasoline odors were no longer detected in the office.

Approximately 40 cubic yards of soil were removed and transported to private property owned by the Site owner located at 34757 Pinto Ridge Road NE. The stockpile was placed on a plastic barrier for treatment using microbial biodegradation of petroleum hydrocarbons. Three samples were collected from the stockpile in May 2010. Results indicated concentrations of gasoline and BTEX still exceeded the cleanup levels. Bioremediation of the stockpile continued until sample results were below cleanup levels.

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## 2.3 Institutional Controls

Since Site structures risked damage by additional excavation, and there was no apparent threat to groundwater, it was determined that the Site would be eligible for an NFA determination if institutional controls were implemented in the form of an environmental covenant (covenant). A covenant was recorded for the Site on June 24, 2013, and on July 11, 2013, Ecology issued an NFA determination.

The restrictions implemented in the covenant are listed below.

1. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited in the capped areas Include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond Its load bearing capability, piercing the surface with a rod, spike or similar Item, bulldozing or earthwork.
2. 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 continues monitoring, operation, and maintenance of the Remedial Action.
5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the use of 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 Restrictive Covenant, Ecology may approve and 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 Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

A copy of the covenant is available as Appendix 6.4.

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## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of Completed Cleanup Actions**

#### **3.1.1 Soil and Direct Contact**

Based upon the Site visit conducted on August 21, 2019, the building and asphalt cover at the Site continue to eliminate direct exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site continues to operate as a retail fueling facility. A photo log is available as Appendix 6.5.

The residual contamination is located beneath a concrete containment area and is surrounded by paved surfaces. The permanent, impermeable surface combined with the property use limitations in the restrictive covenant effectively eliminate the direct contact exposure pathway.

#### **3.1.2 Institutional Controls**

Institutional controls were implemented at the Site in the form of an environmental covenant. Grant County records indicate that the covenant remains active; additionally, 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 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.

#### **3.1.3 Summary**

Contaminated soils containing TPH and benzene remain in the area surrounding the AST containment system. . Groundwater is estimated to be approximately 100 feet bgs, over 80 feet below the remaining contamination. Since the remaining contamination is present at relatively low concentrations, it is contained below an asphalt surface, and there is no apparent threat to groundwater, no additional remedial action is necessary as long as institutional controls are implemented at the Site.

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

There is no new relevant 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**

There are no new state or federal laws relevant to 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.

### **3.5 Availability and Practicability of Higher Preference Technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of Improved Analytical Techniques to Evaluate Compliance with Cleanup Levels**

The analytical methods used at the time of the remedial action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

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## 4.0 CONCLUSIONS

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action 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 the restrictions in 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 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

Eco-Nomic. *Leak Investigation and Cleanup Report*. June 25, 2010.

Ecology. *Environmental Covenant*. June 24, 2013.

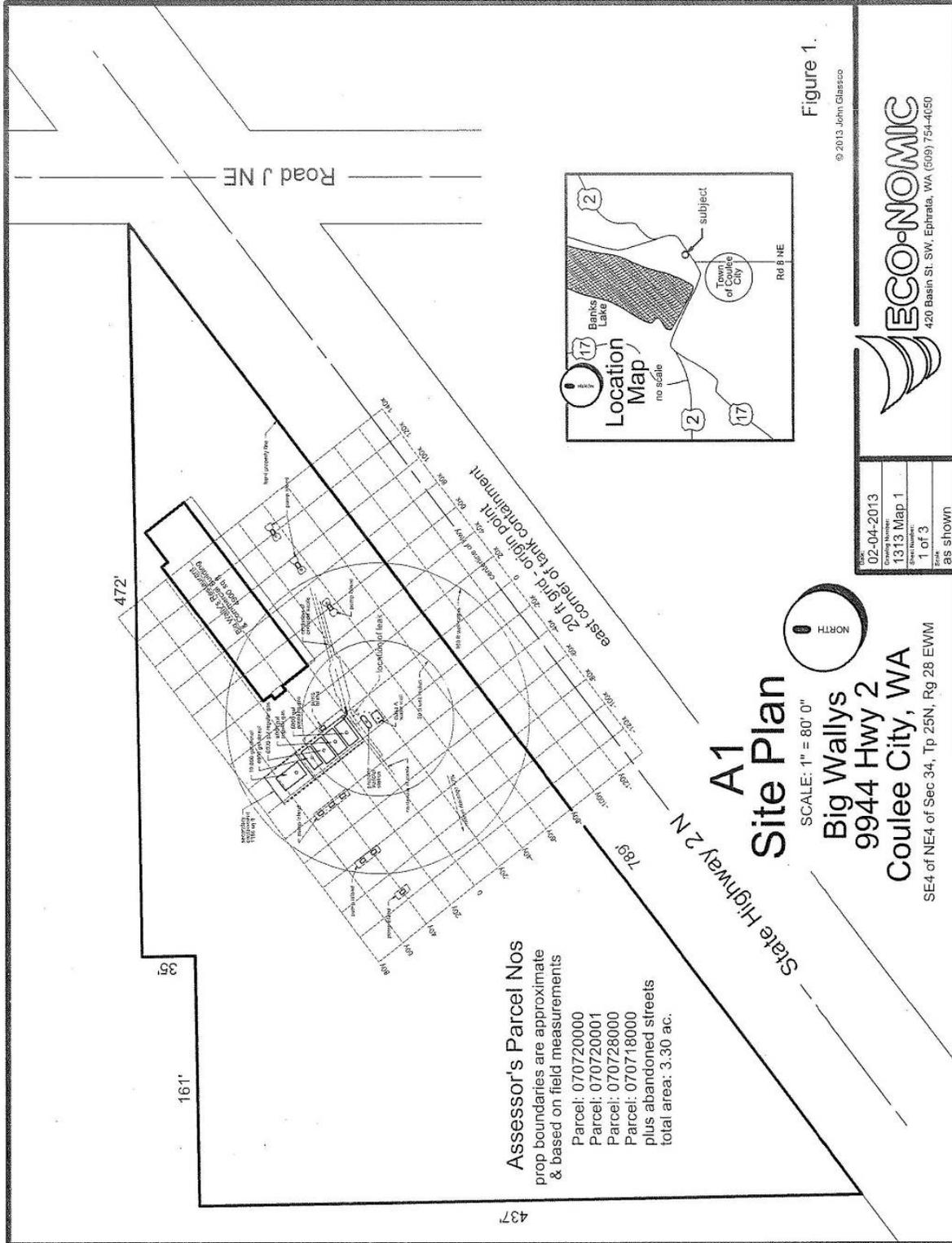
Ecology. *No Further Action Determination Letter*. July 11, 2013.

Ecology. *Site Visit*. August 21, 2019.

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## 6.0 APPENDICES

### 6.1 Site Plan and Vicinity Map



## 6.2 Sample Location Map

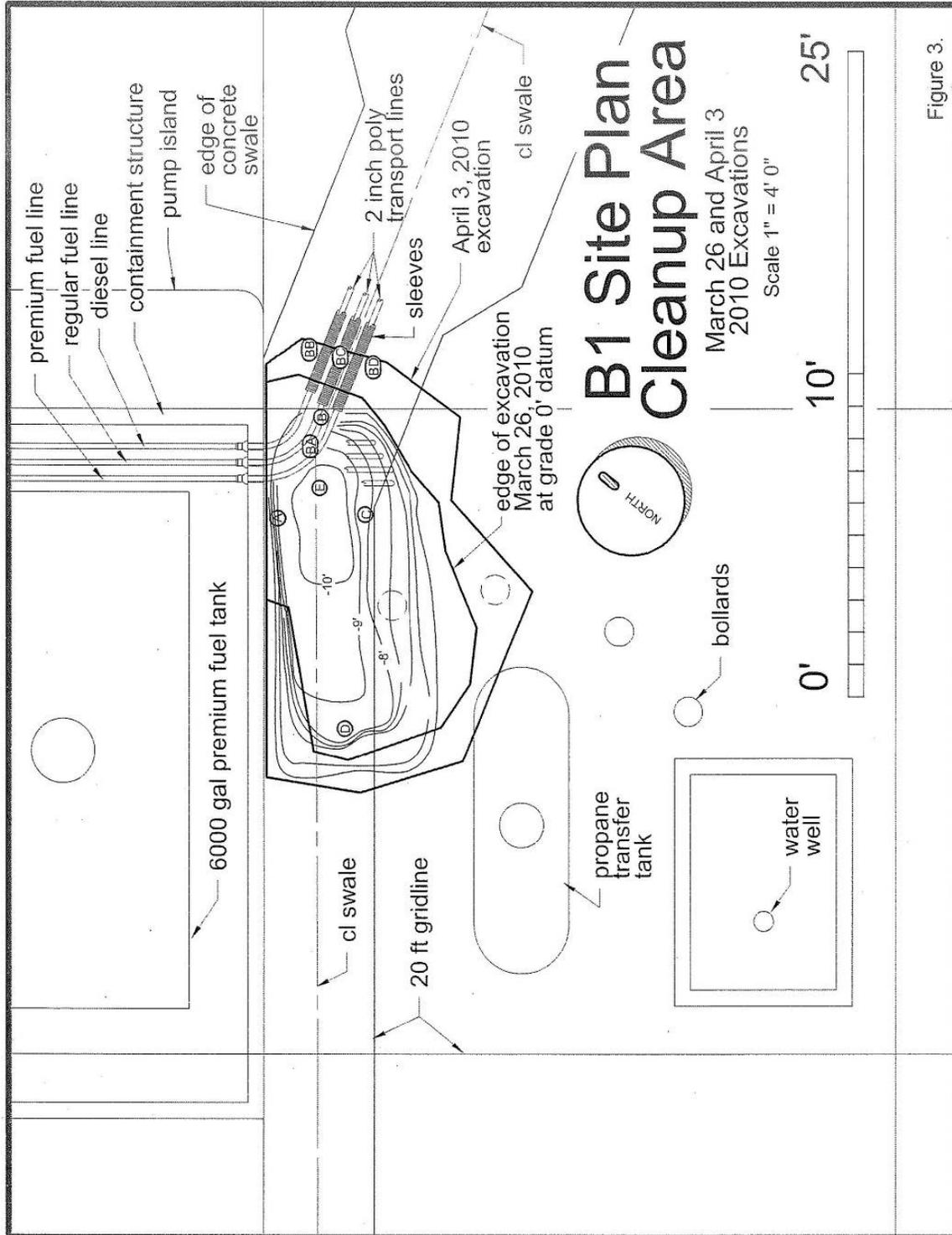


Figure 3.

### 6.3 Sample Results

Table 1. Results of Sampling of March 26, 2010 in mg/ kg

Sampling of March 26, 2010

Sample	Depth BG inches	Benzene	Toluene	Ethyl-Benzene	M&P Xylene	O-Xylene	Gas	Lead
Cleanup Level		0.5	40.0	20.0	20.0	20.0	30 if benzene detected	250
1022 A	102	530	2600	680	2400	890	40,000	not checked
1022 B	102	1.3	14.0	8.9	44.0	20.0	770	7.6
1022 C	102	0.9	2.8	0.4	1.7	0.7	19.0	not checked
1022 D	102	0.0	0.0	0.0	0.0	0.0	7.0	not checked
1022 E	123	419	1800	440	1600	580	25,000	9.2

Note: Due to the requirement to test for the presence of several substances, dilution factors are sometimes used in samples with high concentrations (i.e. samples A, B and E) to ensure results fall within an acceptable range for accurate measurement. Dilution factors as high as 1000 were used in this first round of samples. Use of high dilution factors requires a high degree of skill in the lab and can affect the accuracy of results.

ECCO-NOMIC  
420 BASIN STREET SW • EPHRATA, WASHINGTON 98823  
PHONE: (509) 754-4050 • EMAIL: johns5@ecco-nomic.com

## 6.4 Environmental Covenant

After Recording Return to:

Patti Carter  
Department of Ecology  
4601 N. Monroe Street  
Spokane, WA 99205

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### Environmental Covenant

**Grantor:** Ogan & Ogan Enterprises, LLC

**Grantee:** State of Washington, Department of Ecology

**Legal:** Convenience Store Fuel Station, known as "Big Wally's" located at 9944 Highway 2 East Coulee City, WA 99115-9629 *SE NE 34-25-28*

**Tax Parcel Nos.:** 070720000: Grant County, State of Washington; See Attached: Exhibit "A"

Grantor, Ogan & Ogan Enterprises, LLC, 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 day of May 29, 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 Ogan & Ogan Enterprises, LLC 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:

Leak Investigation and Cleanup (Final), Big Wally's Premium Fuel Leak and Cleanup, Coulee City, WA: Eco-Nomic, March 23 – June 25, 2010.

This document is on file at Ecology's Eastern Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of Petroleum Hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Levels for SOIL established under WAC 173-340-740.

The undersigned, Ogan & Ogan Enterprises, LLC is the fee owner of real property (hereafter "Property") in the County of Grant, State of Washington, that is subject to this

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Covenant. The Property is legally described as Follows: Convenience Store Fuel Station, known as "Big Wally's" located at 9944 Highway 2 East Coulee City, WA 99115-9629. Ogan & Ogan Enterprises, LLC 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.

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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.

**Ogan & Ogan Enterprises, LLC**

Dated: May 29, 2013

**Robert W. Ogan; President**

STATE OF Washington  
COUNTY OF Chelan

On this 29th day of May, 2013, I certify that Robert W Ogan personally appeared before me, acknowledged that he/she is the 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  
Washington, residing at  
Douglas  
My appointment  
expires March 13, 2014

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

Dated: 10 June 2013

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

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## Exhibit A Legal Description

TX# 6334 & POR B, WILSHIRE STS & ALLY ADJ AKA LOTS 13-21,30 & 32-36 BLK 26 C C HOLLYWOOD MANOR (UNRECORDED) TX# 6334 THOSE PORTIONS OF THE FOLLOWING DESCRIBED TRACTS IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 28 EAST W.M., GRANT COUNTY, WASHINGTON, LYING NORTHWESTERLY OF THE PRIMARY STATE HIGHWAY #2 DESCRIBED AS: 1. BEGINNING AT A POINT 375 FEET SOUTH OF THE NORTHEAST CORNER OF THE ABOVE DESCRIBED GEOGRAPHICAL SUBDIVISION; THENCE WEST, 300 FEET; THENCE SOUTH, 120 FEET; THENCE EAST, 300 FEET; THENCE NORTH, 120 FEET. 2. BEGINNING AT A POINT 510 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 28 EAST W.M., GRANT COUNTY, WASHINGTON; THENCE WEST, 300 FEET; THENCE SOUTH, 120 FEET; THENCE EAST, 300 FEET; THENCE NORTH, 120 FEET TO THE TRUE POINT OF BEGINNING. 3. BEGINNING AT A POINT 510 FEET SOUTH AND 300 FEET WEST OF OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 28 EAST W.M., GRANT COUNTY, WASHINGTON; THENCE WEST, 300 FEET; THENCE SOUTH, 120 FEET; THENCE EAST, 300 FEET; THENCE NORTH, 120 FEET TO THE POINT OF BEGINNING. 4. BEGINNING AT A POINT 375 FEET SOUTH AND 300 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 34 AND EXTENDING WEST, 300 FEET; THENCE SOUTH, 120 FEET; THENCE EAST, 300 FEET; THENCE NORTH, 120 FEET TO THE POINT OF BEGINNING. 5. BEGINNING AT A POINT 167.50 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE WEST, 620 FEET; THENCE SOUTH, 167.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH, 40 FEET; THENCE EAST, 620 FEET; THENCE NORTH, 40 FEET; THENCE WEST, 620 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY BY DEED DATED APRIL 20, 1949, RECORDED JUNE 2, 1949, UNDER AUDITOR'S FILE NUMBER 145878. SOMETIMES KNOWN AS A PORTION OF THE AREA DESIGNATED AS "B" STREET ADJOINING LOTS 13 TO 23, INCLUSIVE, BLOCK 26 AND A PORTION OF THE AREA DESIGNATED AS WILSHIRE AVENUE, IN UNRECORDED HOLLYWOOD MANOR ADDITON TO COULEE CITY, AMENDED. EXCEPT THAT PORTION OF "B" STREET ADJACENT TO LOTS 13 TO 15, BLOCK 26. LESS TAX# 11248

## 6.5 Photo Log

**Photo 1: Big Wallys - from the southeast**



**Photo 2: AST Containment Area and Fueling Island - from the west**



**Photo 3: Looking West from Big Wallys - from the east**



**Photo 4: Area of Residual Contamination – from the south**

