



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 31, 2020

Henry Fischer
Smart Development Corporation
310 Oak Street #105
Hood River, OR 97031

RE: No Further Action at the following Site– Soil Model Remedy No. 3:

- **Site Name:** Town Pump Gas Station
- **Site Address:** 505-521 East Jewett Boulevard, White Salmon
- **Facility Site ID No.:** 403
- **Cleanup Site ID No.:** 4905
- **Klickitat County Parcels:** 03111934001802, 03111906100100

Dear Henry Fischer:

As part of a periodic review, the Washington State Department of Ecology (Ecology) has reviewed available information from the above-referenced site. Based on that review, we are providing our opinion regarding the need for further action at the Site. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site (with due consideration to compliance with institutional controls discussed below).

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively “substantive requirements of MTCA”). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:

- Petroleum (Gasoline and Diesel) into Soil

Ecology notes that the Site initially had a concern regarding groundwater and surface water. This pertained to the original reported release in 1989, in which petroleum containing water was observed seeping out at ground surface south of the Site. This seepage had been attributed to a water main break in Jewett Boulevard, and the seepage subsequently ceased. No groundwater was observed at the Site, and it was concluded that no perching of groundwater on the shallow basalt bedrock surface was likely.

The Site is located on the south side of Jewett Boulevard in White Salmon. The facility operated as gas station on the eastern parcel (03111934001802) and a residence on the western parcel (03111906100100). These two parcels were originally part of the same parcel that was subdivided in 2007. The residence was demolished between 2011 and 2016 (based on aerial photographs in Google Earth). The former gas station structure at 521 E Jewett Boulevard was recently operated as Focolare Wood Fired Pizza and is apparently now a Farmers Insurance agency office.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

Report Title	Prepared by	Date
Report of Findings: Contaminated Soil Removal/Site Characterization, Former Town Pump Station	Professional Service Industries, Inc. (PSI)	July 8, 1994
Restrictive Covenant, Filed for Klickitat County Auditor	Kurt Osborne	August 18, 1994
Decommissioning Report for Four Underground Storage Tanks at 521 Jewett Avenue	ESU, Inc.	December 16, 1996
Period Review, Town Pump Station, F/SID #: 403	Dept. of Ecology	September 16, 2008
Second Period Review, Town Pump Station, 521 East Jewett Boulevard	Dept. of Ecology	March 2014

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Those documents are kept in the Central Regional Office (CRO) of Ecology for review by appointment only. You can make an appointment by calling the CRO public records coordinator at 509-454-7658 or emailing RecordsOfficer@ecy.wa.gov.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site.

That conclusion that no further remedial action is necessary is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action for the identified release. Site Plans are presented in **Enclosure A**.

Soil

Petroleum contamination in soil was delineated during cleanup work performed in 1994. Contaminated soil was encountered north, east and south of the Town Pump Station building.

Groundwater

No groundwater was encountered during site investigations. Petroleum contaminated water was observed seeping on the surface south of the former gas station in 1989; however, this water was attributed to a water main break in Jewett Boulevard.

The remedial excavation was completed to basalt bedrock. No confining layers were observed above the basalt bedrock. The top of the basalt bedrock was weathered and highly fractured. Therefore, no perched groundwater was expected on top of the basalt.

Domestic water production in this area is primarily from brecciated zones located between lava flows, which are at a minimum of 50 feet below ground level. Domestic water service on the Site and in new development south of the Site is provided by the City of White Salmon.

2. Establishment of cleanup standards.

Cleanup Levels

The following Cleanup Levels for unrestricted land use have been used at the Site:

Constituent	Soil Cleanup Level (mg/kg)	Soil Cleanup Level Basis
Gasoline Range Organics (GRO) (no benzene present)	100	Method A
Diesel Range Organics (DRO)	2,000	Method A
Heavy Oil Range Organics	2,000	Method A

* The background concentration is greater than the cleanup level for arsenic.

(C) = Method B Cancer

(NC) = Method B Non-Cancer

SPG = Soil protective of groundwater (vadose zone)

Point of Compliance (POC): Standard, throughout the Site, for soil extending from the surface to 15 feet below ground surface (ft bgs).

Terrestrial Ecological Evaluation (TEE): The Site has been determined to meet the criteria for an exclusion from a TEE consistent with WAC-173-340-900, based on its location within a residential and commercial area within White Salmon. The lots west and east of 521 Jewett Boulevard are currently vacant, but at 0.19 acres and 0.27 acres respectively, and bounded by paved roads to north and south, they do constitute significant habitat and the TEE process is ended.

3. Cleanup.

Ecology has determined the cleanup meets the cleanup standards established for the Site. Site cleanup consisted of excavation and offsite disposal of contaminated soil. After completion of excavation, PCS with concentrations exceeding MTCA Method A cleanup levels remained at the following locations:

- Beneath the former Town Pump Station building (east parcel), an estimated 60-70 cubic yards of soil primarily impacted by gasoline remained. This area also included an unexcavated zone of 6-8 feet around the building. These impacted soils remained in place in order to maintain the structural integrity of the facility.

- Approximately 20-25 cubic yards of soil primarily impacted by gasoline remained in a strip on the downslope side of the base of the retaining wall that separated the station from the former trailer park (east parcel). This soil was left in place in order to maintain the structural integrity of the retaining wall.
- An undetermined amount of soil impacted by both gasoline and diesel remained in the front yard of the former residence to the west of the former station (west parcel). This soil was reportedly left in place due to the proximity of Jewett Boulevard and safety concerns.

The cleanup performed at the Site constitutes Soil Model Remedy #3.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- The Site structure currently prevents access to and cleanup of remaining contaminated soil. Cleanup of remaining contamination is needed when the Site structure is no longer present.

To implement that control, a Restrictive Covenant was recorded in August 18, 1994 on the following parcel of real property in Klickitat County:

- Klickitat County Tax Parcels 03111934001802 and 03111906100100.

A copy of the Covenant is included in **Enclosure B**.

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. Periodic reviews were previously conducted at the site in 2008 and 2014. Those reviews concluded that further action was needed because an Environmental Covenant had not been recorded with the County.

Since that time, Ecology discovered that a Restrictive Covenant had indeed been recorded with the County in 1994, but a copy of the Restrictive Covenant was not found in Ecology's files. Therefore, the conclusions from these previous periodic reviews are not considered applicable.

If Ecology determines, based on additional periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this No Further Action opinion. The periodic (i.e. every five years) review shall include checking to see that the structure that currently prevents access for cleanup of the remaining contamination is still present at the Site.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of hazardous waste sites, including:

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action.

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This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Closing

Thank you for cleaning up the Site. For more information about the cleanup process, please visit our web site: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites>.

If you have any questions about this opinion, please contact me by phone at (509) 454-7835 or e-mail at frank.winslow@ecy.wa.gov.

Sincerely,



Frank P. Winslow, LHG
Toxics Cleanup Program
Central Regional Office

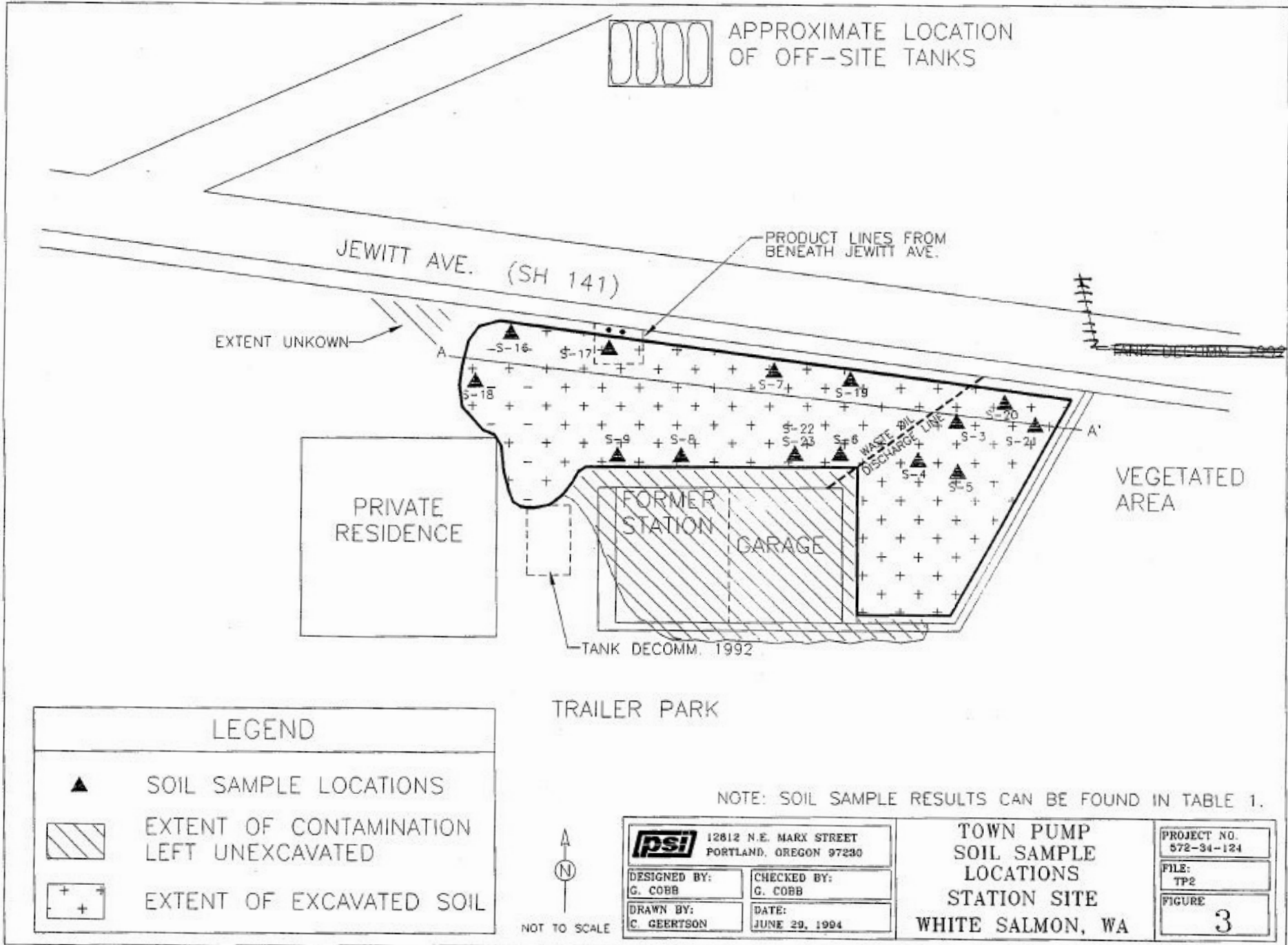
FPW:rl1

Enclosures: A – Site Plans
 B – Environmental Covenant

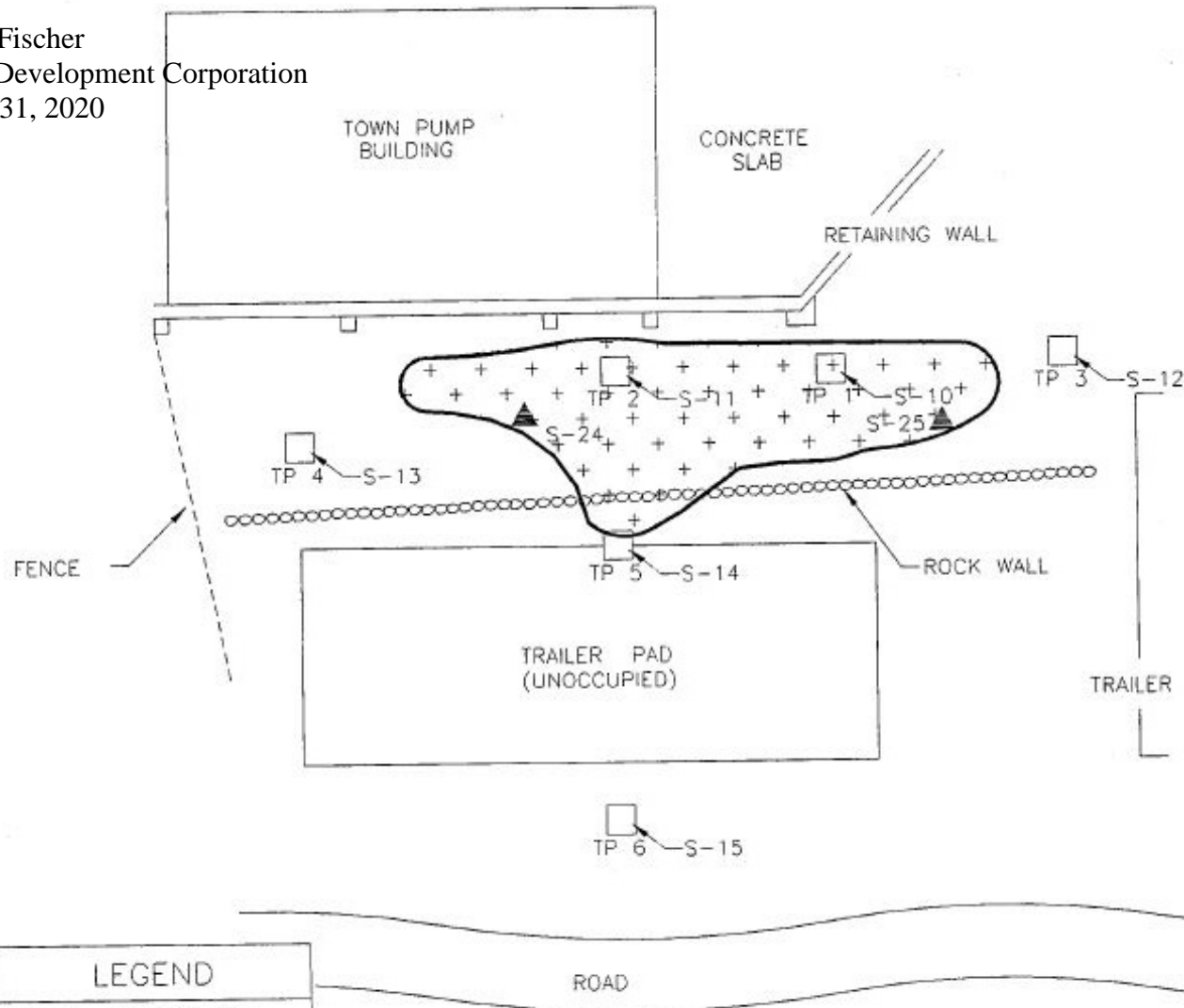
cc: Timothy Woosley

Enclosure A

Site Plans



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TEST PIT SAMPLE RESULTS		
S-10	WTPH-G	5900ppm
S-11	WTPH-G	7600ppm
S-12	N.D.	
S-13	N.D.	
S-14	WTPH-G	1100ppm
S-15	N.D.	

EXCAVATION CLOSURE SAMPLE RESULTS	
S-24	N.D.
S-25	N.D.

LEGEND	
	EXTENT OF EXCAVATION
	SOIL SAMPLE LOCATION

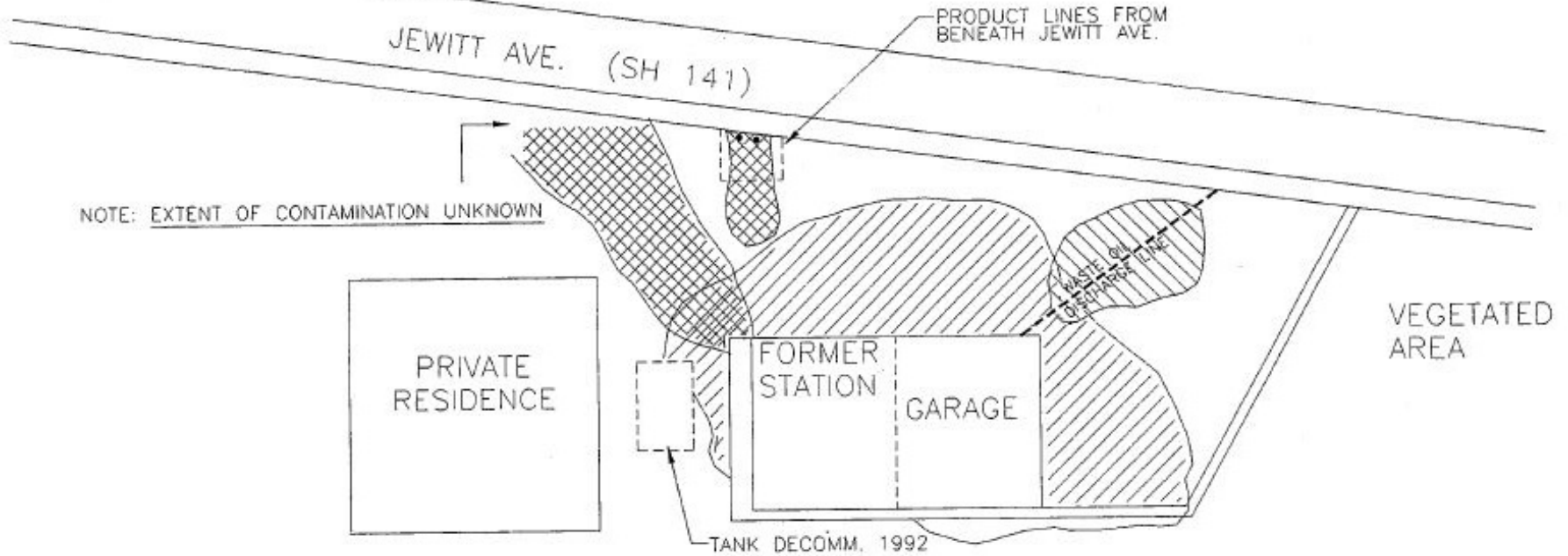
		12812 N.E. MARX STREET PORTLAND, OREGON 97230	
DESIGNED BY: G. COBB	CHECKED BY: G. COBB		
DRAWN BY: M. JACKSON	DATE: JUNE 29, 1994		

TOWN PUMP
 SOIL SAMPLES
 TRAILER PARK
 WHITE SALMON, WA

PROJECT NO. 572-34-124
FILE: 34-124F4
FIGURE 4



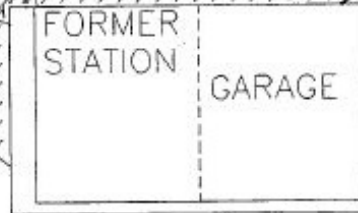
APPROXIMATE LOCATION
OF OFF-SITE TANKS



NOTE: EXTENT OF CONTAMINATION UNKNOWN



PRIVATE
RESIDENCE






FORMER
STATION GARAGE

TANK DECOMM. 1992

VEGETATED
AREA


LEGEND

-  AREAL EXTENT OF WASTE OIL CONTAMINATION
-  AREAL EXTENT OF GASOLINE CONTAMINATION
-  AREAL EXTENT OF GASOLINE/DIESEL CONTAMINATION

TRAILER PARK



NOT TO SCALE

 12812 N.E. MARX STREET PORTLAND, OREGON 97230	
DESIGNED BY: G. COBB	CHECKED BY: G. COBB
DRAWN BY: M. JACKSON	DATE: JUNE 20, 1994

TOWN PUMP
STATION SITE
AREAL EXTENT OF
SOIL CONTAMINATION
WHITE SALMON, WA

PROJECT NO. 572-34-124
FILE: 34-124F5
FIGURE 5

Enclosure B

Environmental Covenant

8023

He

After Recording Return:
Timm's Trailer Park
PO Box 1174
Hood River 97031

FILED FOR RECORD
CLICKITAT COUNTY AUDITOR
94 AUG 18 PM 3:15

FILED BY 425
RETURN TO Ann Lakervi

RESTRICTIVE COVENANT

VOL 313 PAGE 278-279

242770

I, Kurt Osborne, being the owner of the property described on Exhibit "A" Attached hereto, do hereby agree to the following:

In the event of demolition of the former Town Pump Building, the remaining petroleum contaminated soil shall be laboratory analyzed for TPH as gasoline. If gasoline concentrations exceed cleanup levels required in the Model Toxics Control Act Cleanup Regulation, the affected soil will need to be remediated at that time.

This is intended to burden the property with said covenant, and shall be binding on future owners of the property.

Upon satisfactory review that the burdens in this covenant have been fulfilled, said Covenant shall be of no force and effect.

Jurisdiction as to the enforcement of this covenant lies with the State of Washington, Department of Ecology, or its successors.

Dated this 18th day of August, 1994

Kurt Osborne
Kurt Osborne



STATE OF WASHINGTON,
County of Klickitat

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

GIVEN under my hand and official seal this 18th day of August, 1994

Tami Nystrom
Notary Public in and for the State of Washington,
residing at 10 Wata Salmon
My appointment expires 3-13-98

ACKNOWLEDGMENT - INDIVIDUAL
FIRST AMERICAN TITLE COMPANY
WA - 40