



**PERIODIC REVIEW REPORT
FINAL**

**Bruce Titus Nissan Dealers
Facility Site ID#: 41363269**

**4030 South Tacoma Way
Tacoma, Washington 98411**

Southwest Region Office

TOXICS CLEANUP PROGRAM

October 2012

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup conditions and monitoring data to ensure that human health and the environment are being protected at the Bruce Titus Nissan Property (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). The cleanup actions resulted in concentrations of trichloroethylene (TCE) in groundwater exceeding MTCA Method A cleanup levels remaining at the Site. The MTCA Method A cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action.
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree.
- (c) Or, as resources permit, whenever the department issues a no further action (NFA) opinion.
- (d) And one of the following conditions exists:
 - 1. Institutional controls or financial assurance are required as part of the cleanup.
 - 2. Where the cleanup level is based on a practical quantitation limit.
 - 3. 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, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site.
- (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 Bruce Titus Nissan facility is located at 4030 South Tacoma Way in Tacoma in Pierce County, Washington (Vicinity Map - Appendix 6.1). The Bruce Titus Nissan dealership was constructed in 1989 and continues to operate as an automobile dealership and service center (Site Plan – Appendix 6.2).

The subject property is bordered to the north by a veterinary clinic and additional parking for the subject property followed by a vacant used car lot; to the west by railroad tracks followed by undeveloped land; to the south by a machine design and manufacturing facility; to the southeast by a used car lot; and to the east by South Tacoma Way followed by a new and used car dealership.

2.2 Site Investigations and Cleanup

A Phase I Environmental Site Assessment (ESA) was completed by SECOR for the Site in 2001. The ESA revealed several potential environmental impacts to the property, including poor housekeeping, and the unknown integrity of hydraulic hoists, a trench drain, and an oil water separator (OWS).

In September 2001, SECOR completed a Phase II subsurface investigation at the Site. This investigation included the advancement of eight soil borings to collect soil and groundwater samples. Borings were advanced to a maximum depth of 50 feet below ground surface (bgs). TCE was detected in borings B-4 and B-5 at concentrations of 15 micrograms per liter ($\mu\text{g/L}$) and 49 $\mu\text{g/L}$ respectively. The MTCA Method A cleanup level for TCE is 5 $\mu\text{g/L}$. Methylene chloride was also detected in B-5 at 5.9 $\mu\text{g/L}$, which exceeded the MTCA Method A cleanup level of 5 $\mu\text{g/L}$. TCE was not detected in soil samples from any of the soil borings at concentrations exceeding MTCA Method A cleanup levels.

In December 2001, SECOR installed four monitoring wells at the Site. Soil samples were collected during the well installation. Analysis of soil samples did not indicate the presence of any contamination at concentrations exceeding MTCA Method A cleanup levels. Several contaminants were detected in groundwater at concentrations exceeding MTCA Method A or Method B cleanup levels, including TCE, Chloroform, 1,2 Dichloropropane and Bromodichlormethane.

In 2002, Stemen Environmental, Inc. advanced nine additional soil borings at the Site. Nine soils samples were collected from the borings and submitted for laboratory analysis of volatile organic compounds (VOCs). No VOCs were detected in any of the samples at concentrations exceeding MTCA Method A or Method B cleanup levels. Groundwater samples were also collected from the four permanent monitoring wells and analyzed for VOCs. TCE was detected in all four wells at concentrations exceeding MTCA Method A cleanup levels. Groundwater monitoring/sampling data for TCE is presented in Table 1. Detailed groundwater monitoring

data is presented as Appendix 6.4. Soil borings and groundwater monitoring/sampling locations are included as Appendix 6.2 and 6.3.

TABLE 1: Groundwater Monitoring/Sampling Data

Analyte	Concentration Range (µg/L)	Cleanup Level (µg/L)
TCE	49 – 120 ^a	5

a: above cleanup level

Stemen Environmental suggested that groundwater contamination resulted from the adjacent South Tacoma Field property (Superfund site) located south of the Site. VOC contamination has been confirmed in soil and groundwater at this adjacent property. A comfort letter from the United States Environmental Protection Agency (USEPA) was obtained to substantiate the above assertion. A copy of USEPA’s is included as Appendix 6.5.

2.3 Restrictive Covenant

Due to the probable off-site source of groundwater contamination, it was determined that the Site was eligible for a NFA determination if a RC was recorded for the property. A RC was recorded for the Site on December 13, 2002 which imposed the following limitations:

1. Any taking of groundwater from the Property or any activities upon the Property that may interfere with the clean-up action, operation and maintenance, monitoring, or other measures necessary to assure the integrity of any cleanup action and continued protection of human health and the environment are prohibited.
2. Any activity that may result in the release of groundwater from the property is prohibited.
3. The owner or successor owner of the Site must give written notice of intent to convey any interest in the Site.
4. The owner must restrict leases to uses and activities consistent with the RC.
5. Notice of these covenants must be included in any instrument conveying any interest in all or any portion of the Property.
6. The owner must obtain approval from Ecology prior to any use of the property that is inconsistent with the terms of the Covenant.
7. The owner or successor owner shall grant Ecology the right to enter the site at reasonable times.
8. The owner or successor owner reserves the right to remove this Covenant with Ecology’s approval.

The RC is available as Appendix 6.6.

Following the remedial actions, an interim NFA determination letter for soils was issued for the Site on September 25, 2002. This letter stated that a final NFA determination could be issued once it is shown that groundwater beneath the Site is no longer contaminated. To show that

groundwater beneath the Site is not longer contaminated, the groundwater concentration of VOCs must be clean for four consecutive quarters.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on August 15, 2012, the Site continues to operate as an automobile dealership. There have not been any attempts to withdraw or use groundwater from the Site. The asphalt and building structures appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. A photo log is available as Appendix 6.7.

The RC for the Site was recorded and is in place. This RC prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This RC serves to ensure the long term integrity of the cap.

Groundwater with TCE concentration higher than the Site specific cleanup level is still present at the Site. The RC for the property will ensure that the groundwater extraction and use remains restricted 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 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 interim no further action determination was issued in 2002.

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 selected site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

The following conclusions have been made as a result of this periodic review:

- 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 standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the isolation or containment system is ensured, and the requirements of WAC 173-340-740 (6)(f) for isolation or containment technologies are being met.
- The RC for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the RC continue to be met to be protective of human health and the environment. No additional cleanup actions are required by the property owner at this time. It is the property owner's responsibility to continue to inspect the Site to assure 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

SECOR, *Phase II Subsurface Investigation*. October 11, 2001.

SECOR, *Additional Environmental Investigation Report*. December 21, 2001.

Stemen Environmental, Inc. *Additional Environmental Investigations Report*. August 21, 2002.

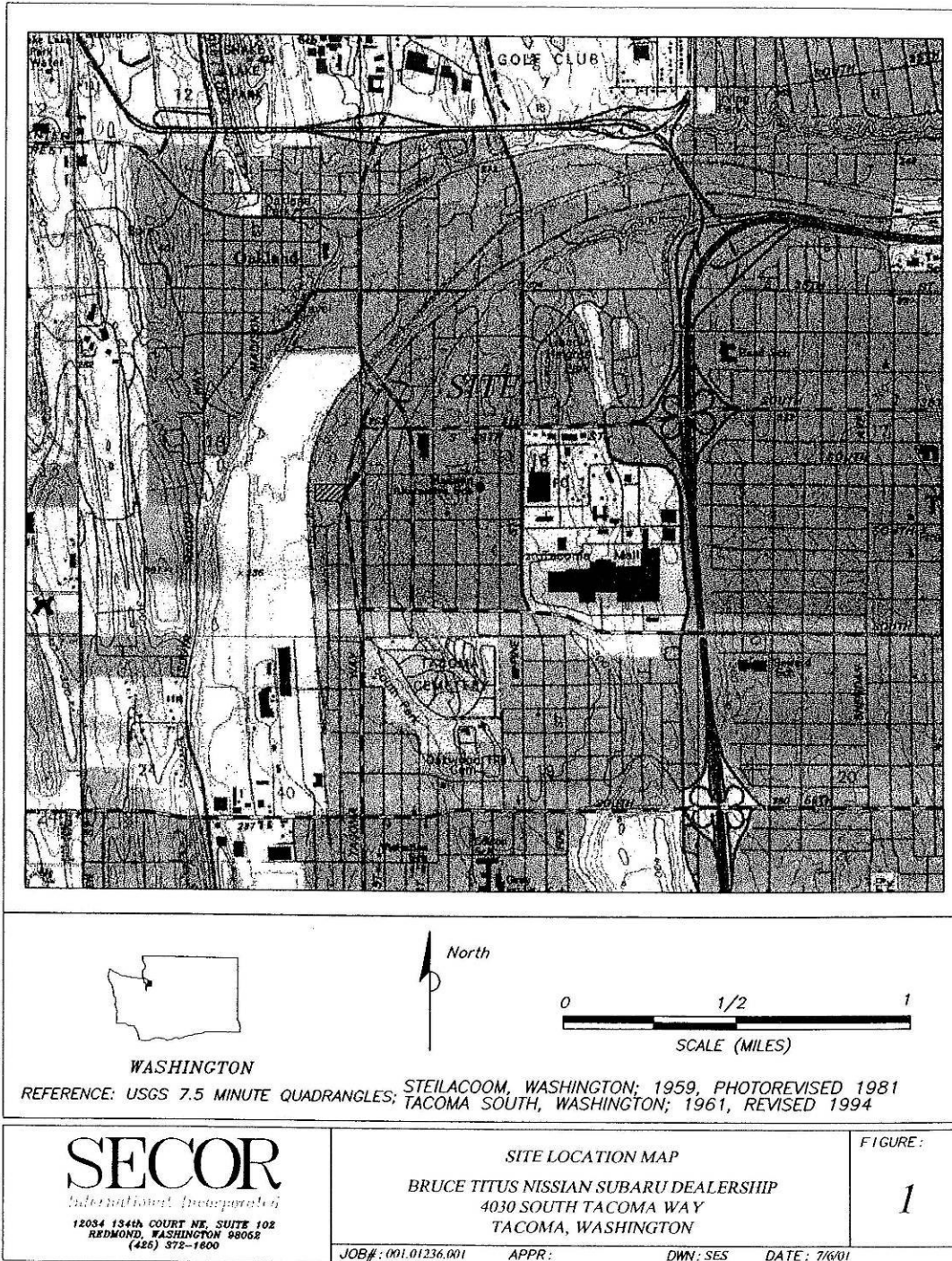
Stemen Environmental, Inc. *Groundwater Monitoring Report*. August 21, 2002.

Ecology, 2002, Restrictive Covenant.

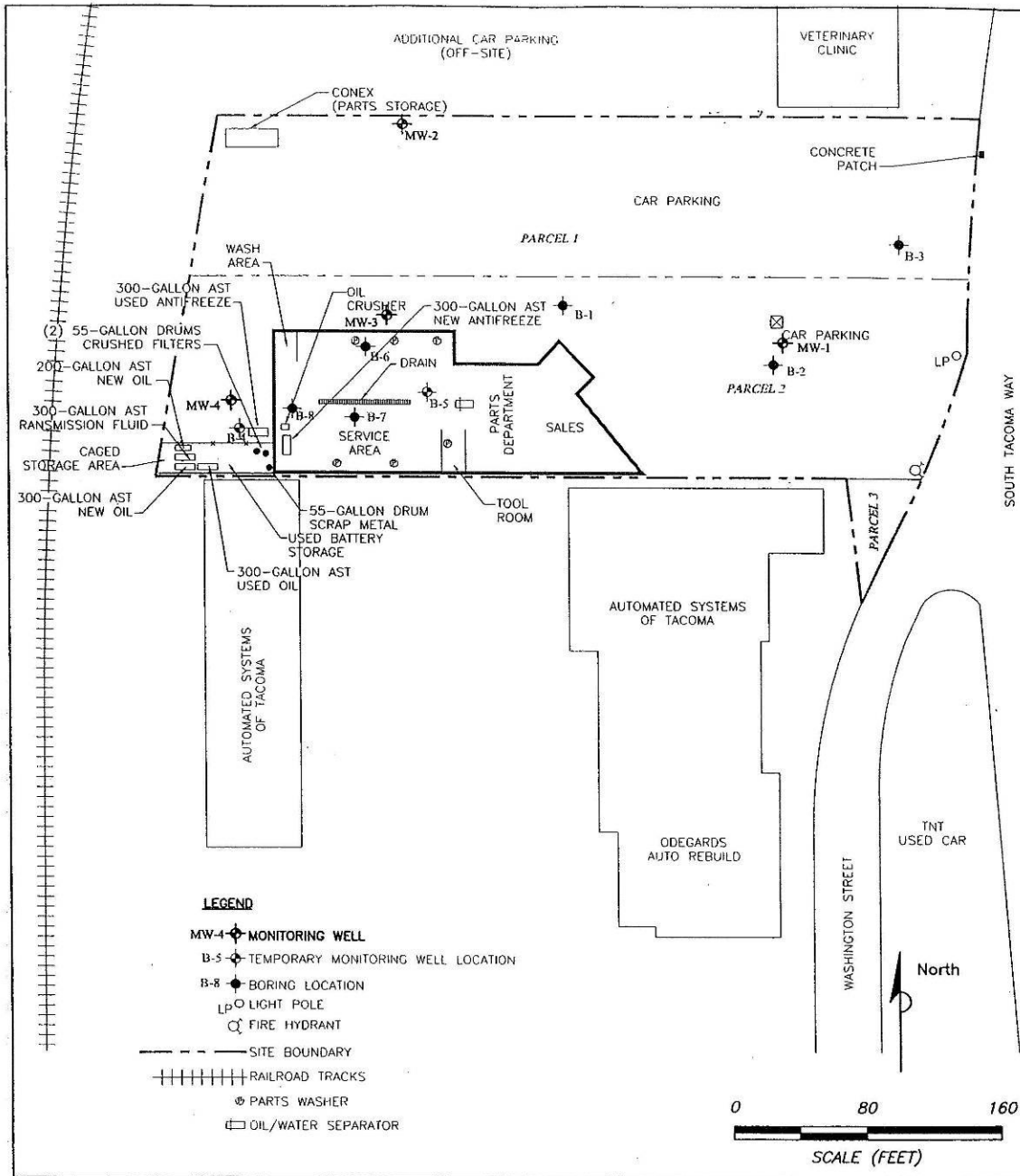
Ecology, Site Visit, August 15, 2012.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan: Monitoring Wells and Soil Boring Locations (9/2001)

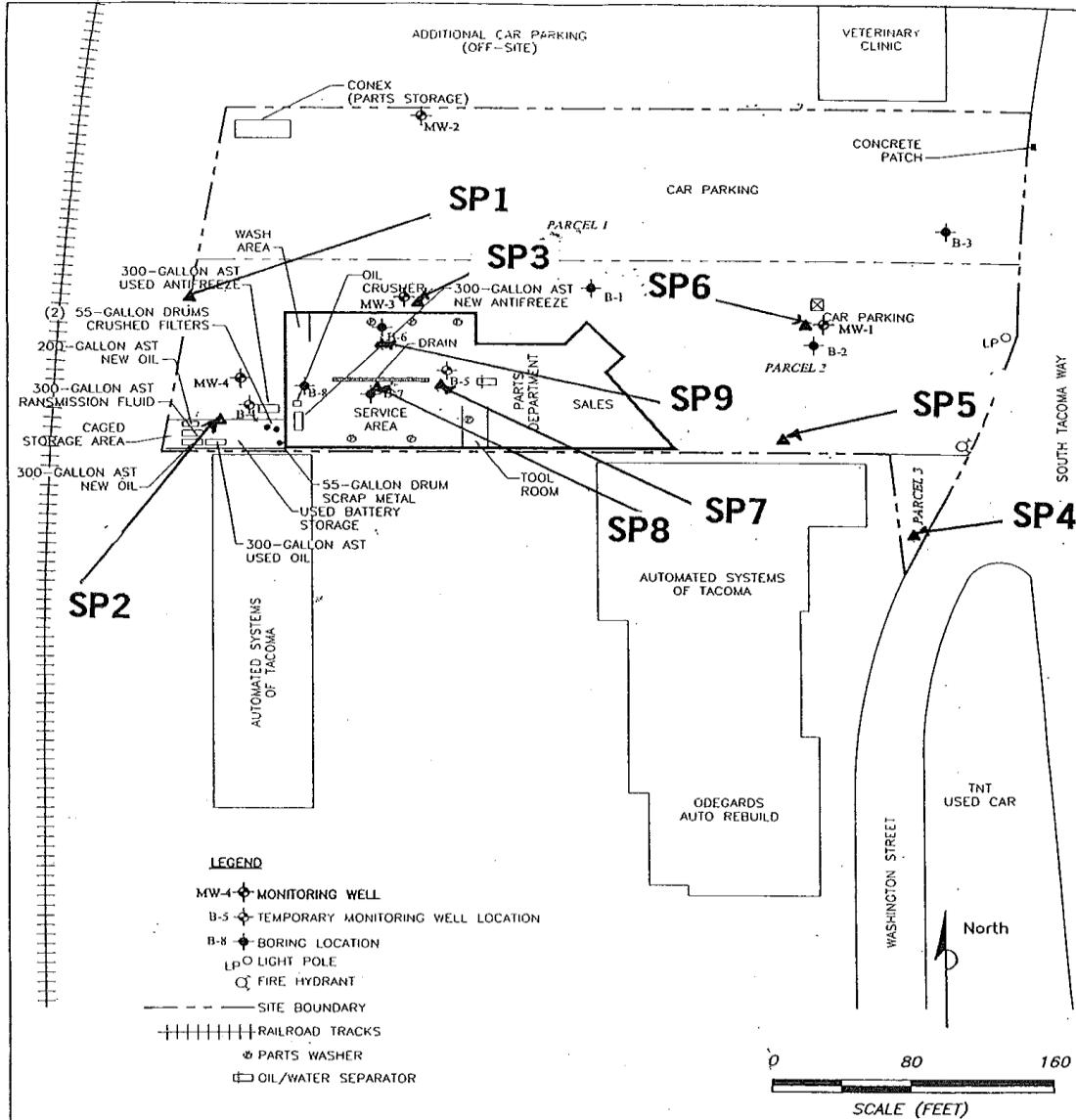


<p>SECOR International Incorporated 12034 134th COURT NE, SUITE 102 REDMOND, WASHINGTON 98052 (425) 372-1600</p>	<p>SITE PLAN WITH NEW MONITORING WELL LOCATIONS BRUCE TITUS NISSAN SUBARU DEALERSHIP 4030 SOUTH TACOMA WAY TACOMA, WASHINGTON</p>	<p>FIGURE: 2</p>
<p>JOB#: 001.01287.001 APPR: DWN: SES DATE: 11/30/01</p>		

(001)R:\CAD\FILES\PROJECTS\OFFICE\001\01287\001\01012871(2).DWG

DWG: 01012871(2a)

6.3 Soil Sampling Locations (August 2002)



ORIGINAL SITE DRAWING BY SECOR, INC.

MODIFIED DRAWING BY STEMEN ENVIRONMENTAL, INC.

6.5 United States Environmental Protection Agency Comfort Letter



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

RECEIVED
DEPT. OF ECOLOGY/SWRO
'03 FEB -3 P1:28

JAN 28 2003

Reply To
Attn Of: ECL-117

Paul Stemen
Stemen Environmental, Inc.
P. O. Box 3664
Lacey, WA 98509-3644

RE: Development of Property Adjacent to South Tacoma Fields Operable Unit (STF OU) of Commencement Bay/Nearshore Tidelands Superfund Site, Tacoma, Washington

Dear Mr. Stemen:

I am writing in response to your August 23, 2002 letter, and the Environmental Site Assessment information you provided for the property at 4030 South Tacoma Way which is adjacent to the South Tacoma Fields operable unit of the Commencement Bay/Nearshore Tidelands Superfund Site in Tacoma. This neighboring property, currently owned by Bruce Wilson, is currently the site of the Bruce Titus Nissan Dealership and includes tax parcels RO200134014, RO220134015, and RO220134016 ("Titus Property"). Our response is based on the facts presently known to the U.S. Environmental Protection Agency (EPA) and the information you provided.

EPA's Policy Toward Owners of Property Containing Contaminated Aquifers (the Policy) provides that EPA, in an exercise of its enforcement discretion, will not take an enforcement action against parties who meet the conditions and criteria described in the Policy. Based on the available information, it appears likely that contamination observed in groundwater at the Titus Property migrated from the STF OU. EPA believes that the Policy applies to your situation. I am enclosing a copy of the policy for your review.

If you have any questions about the above information, please call Kris Flint, EPA's Remedial Project Manager for the STF OU, at (206) 553-8155.

Sincerely,

Michael F. Gearheard, Director
Environmental Cleanup Office

Enclosure

cc: Chuck Cline, Ecology/SWRO
Bruce Titus
Brian Wilson

*Chuck - Call me if you have any questions.
Thanks for your help with this! Kris*

Printed on Recycled Paper

6.6 Restrictive Covenant



200212130597 5 PGS
12-13-2002 02:12pm \$23.00
PIERCE COUNTY, WASHINGTON

Original

RECEIVED
PIERCE COUNTY, WASHINGTON

After Recording Return To:

02 DEC 26 10:22

Brian Wilson
6525 North 53rd Street
Tacoma, WA 98407

RECORDING SUMMARY

Document Title:	Declaration of Covenants
Grantor:	Wilson, Brian M., Trustee
Grantee:	Wilson, Brian M., Trustee
Reference number of document assigned or released:	N/A
Abbreviated Legal Description:	A portion of the NE ¼ of the SE ¼ of S13, T20 N, R2E of W.M. (Full Legal Description on pp. 1 & 2)
Assessor's Tax Parcel Number:	022013-4-014, 022013-4-015, 022013-4-016

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS is entered into this 13 day of December, 2002, by BRIAN M. WILSON, TRUSTEE OF THE REVOCABLE TRUST OF BRIAN M. WILSON dated April 9, 1996, hereinafter referred to as "Declarant."

WITNESSETH:

RECITALS

A. Declarant is the fee owner of certain real property and improvements located at 4030 South Tacoma Way, Tacoma, Washington, and legally described as follows:

Parcel A:

That portion of the following described property lying west of South Washington Street:

Beginning at the intersection of the westerly line of South Tacoma Way with the south line of the north half of the northeast quarter of the southeast quarter

of Section 13, Township 20 North, Range 2 East of the Willamette Meridian; thence northerly along said west line of South Tacoma Way, 130.46 feet; thence west 74.42 feet; thence south 130 feet to the south line of the north half of the northeast quarter of the southeast quarter; thence east 85.98 feet to the place of beginning.

Except that portion thereof condemned for Washington Street.

Parcel B:

Beginning 262.94 feet northerly along the easterly line of the right of way of the Northern Pacific Railway Company from the intersection of said right of way with the south line of the north half of the northeast quarter of the southeast quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian; thence northerly on said right of way 100.59 feet; thence east 435.91 feet to the westerly line of South Tacoma Way, before widening; thence southerly along said line 100.49 feet; thence west 434.74 feet to the point of beginning.

Except that portion taken by the City of Tacoma for widening of South Tacoma Way in Pierce County Superior Court Cause No. 74919.

Parcel C:

Beginning at a point 262.94 feet northerly along the easterly line of the right of way of the Northern Pacific Railway Company from the intersection of said right of way with the south line of the north half of the northeast quarter of the southeast quarter of Section 13, Township 20 North, Range 2 East of the Willamette Meridian; thence East 434.74 feet to the westerly line of South Tacoma Way, before widening; thence southerly along said line 133.13 feet; thence west 448.42 feet to the east line of said right of way; thence northerly along said right of way 132.94 feet to the point of beginning.

Except that portion thereof as appropriated by the City of Tacoma under Pierce County Superior Court Cause No. 63018.

All parcels situate in the City of Tacoma, County of Piece, State of Washington.

(the "Property").

B. It has been discovered that groundwater flowing beneath the surface of the Property and the adjoining property contains chlorinated hydrocarbons coming from one or more sites located away from the Property.

C. The Declarant has been informed and believes that the groundwater beneath the surface of the Property will be naturally cleansed over a period of time and no further remedial action will be necessary.

D. The Declarant has voluntarily notified the Department of Ecology of the groundwater problem and has filed all reports and taken all other administrative action required by the Department of Ecology with regard to the soils on the Property and the groundwater located beneath the surface of the Property.

E. In compliance with the requirements of the Department of Ecology and WAC 173-340-440, the Declarant desires to subject the Property to the following covenants:

COVENANTS

1. Grant of Covenants. Declarant, for himself, and for his heirs, successors and assigns, does hereby subject the Property to these covenants, effective upon recording with the Pierce County Auditor.

2. Covenant Provisions.

(a) Any taking of groundwater from the Property or any activities upon the Property that may interfere with the clean-up action, operation and maintenance, monitoring, or other measures necessary to assure the integrity of any clean-up action and continued protection of human health and environment are prohibited;

(b) Any activities that may result in the release of the groundwater from the Property are prohibited;

(c) Before any interest in the Property may be conveyed to another, the owner of the Property must first give the Department of Ecology of the State of Washington thirty (30) days prior written notice. No conveyance of title, easement, lease or other interest in the Property shall be consummated by the Property owner without adequate and complete provision for compliance with WAC 173-340-440, as it may be amended from time to time;

(d) The owner of the Property shall at all times restrict leases to uses and activities consistent with this Declaration of Covenants, and shall notify all lessees of the restrictions on the use of the Property;

(e) Notice of these covenants must be included in any instrument conveying any interest in all or any portion of the Property;

(f) The owner of the Property must notify the Department of Ecology of the State of Washington and receive its approval for any use of the Property in a manner that is

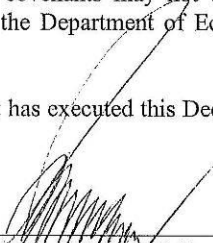
inconsistent with these covenants. In the event the Department of Ecology, after public notice and comment, approves the proposed changes, these covenants shall be amended to reflect the change; and

(g) The Department of Ecology of the State of Washington and its designated representatives shall have the right, at reasonable times and upon reasonable notice, to enter the Property for the purpose of evaluating compliance, including the right to take samples, inspect any remedial actions taken on the Property, and to inspect records.

3. Notification of Local Government. Prior to these covenants being executed and recorded, the Declarant will notify the Tacoma-Pierce County Health Department and seek its comment.

4. Removal of Covenants. These covenants may not be removed from the Property without the prior written approval of the Department of Ecology of the State of Washington.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Covenants on the day and year first above written.



BRIAN M. WILSON, Trustee of the
Revocable Trust of Brian M. Wilson

RECEIVED
CITY OF TACOMA

STATE OF WASHINGTON)
)
County of Pierce)

ss.

'02 DEC 26 10:22

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

GIVEN under my hand and official seal this 13 day of December, 2002.

For recording in the state of Washington, the Notarial Seal must be fully legible and cannot intrude into document margins. Please affix seal in the space provided.

Marilyn Wetch
MARILYN WETCH
[Print Name]

NOTARY PUBLIC in and for the State of Washington, residing at Tacoma
My Commission expires: 06-15-06



6.7 Photo log

Photo 1: Auto Dealership Entrance – from the north



Photo 2: Abandoned Monitoring Well in Service Bay – from the east



Photo 3: Western Border of Property – from the north



Photo 4: Car Lot – from the northwest

