



## **PERIODIC REVIEW**

**Valley I5 RV  
Facility Site ID#: 78643737**

**23051 Military Road south  
Kent, WA**

**Northwest Region Office**

**Toxics Cleanup Program**

**November 2012**

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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 to ensure that human health and the environment are being protected at the Valley I5 RV (Site), also known as Kent Poulsbo RV. 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 Ecology's Voluntary Cleanup Program (VCP). VCP identification number for the Site was NW 1486. Following cleanup actions, total petroleum hydrocarbons as gasoline and associated compounds of benzene and xylene remain in soil at the Site at concentrations exceeding MTCA Method A cleanup levels. The MTCA Method A cleanup levels for soil are established under WAC 173-340-740. 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 opinion; 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; or
  - 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; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

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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 Description and History**

The Site is associated with a RV sales and service facility, located at 23051 Military Road South, in Kent, King County, Washington (see Site Location and Vicinity Map - Appendix 6.1 and 6.2).

The Site is located in a mixed residential-commercial area. It is bordered on the north by a vacant lot, on the east by Military Road South, on the south by a Park & Ride lot, and on the west by the Interstate 5 right-of-way.

The Property had been used as a residential property from the late 1930s through the early to mid-1970s. Prior to its occupancy by Poulsbo RV and its predecessor Valley I-5 RV in the mid 1980s, the Property was occupied by a couple of other commercial businesses, including a construction company on the southern portion of the Property, and a glass window and marketing businesses on the northern portion of the Property.

The Property is currently occupied by Poulsbo RV. A bakery store separates the northern and southern portions of the Property. The majority of the Property is asphalt paved, with facility buildings located in the northern and southern portions of the Property.

Shallow geologic conditions at the Site consist of 3 to 6 feet of fill overlying glacial till to approximately 30 feet below ground surface (bgs), the maximum depth explored. Groundwater is reportedly to be more than 30 feet deep in this area. Perched groundwater was not encountered during any of the site investigations or remedial activities on the Property although perched groundwater was reported at the immediately adjoining bakery parcel at a depth of 10 feet bgs.

### **2.2 Site Investigations and Remedial Activities**

A 10,000 gallon gasoline underground storage tank (UST) located on the northern portion of the Property was removed in 1991. The tank removal environmental site assessment report indicated that the tank was in good condition, and all the confirmational samples met the MTCA Method A soil cleanup levels.

Three petroleum USTs, including two 2,000-gallon gasoline USTs and one 1,000-gallon used oil UST, a pump and associated fuel lines were removed in 1998 from the east side of the southern building. A site plan was included in Appendix 6.3. All three tanks were single-wall steel and appeared to be in good condition. Petroleum contaminated soil was only encountered in the soil near the east end of Tank 2, below a cracked pipe joint leading from an oil-water separator into the sewer piping system. Contaminated soil extended to the glacial till at a depth of approximately 10 to 16 feet bgs. The UST closure report indicated that about seven cubic yards of impacted soils were removed and disposed of off-site. The location of the USTs and the

extent of the 1998 excavation are shown on Appendix 6.4. Results from the confirmational soil samples indicated that gasoline-range petroleum hydrocarbons exceeded MTCA Method A cleanup levels remained in the vicinity of Tank 2.

Following tank removal, additional environmental site assessment studies were conducted by LSI Adapt in 2004 and 2005. The results indicated that petroleum contaminated soil remained in the vicinity of the former gasoline USTs, very close to the east side of the southern building and possibly underneath the building. The highest gasoline concentration was detected at 1,200 mg/kg and benzene at 60 µg/kg from Boring HB-1. It was estimated that approximately 50 to 100 cubic yards of petroleum contaminated soils remain at depths greater than 10 feet bgs in this area. However, the residual contaminants do not appear to have impacted the groundwater, which is in excess of 30 feet in depth in this area.

## **2.3 Regulatory Summary**

Ecology issued a No Further Action (NFA) determination letter on November 16, 2006 contingent upon satisfying the requirements of a Restrictive Covenant recorded on the Property on October 9, 2006.

## **2.4 Cleanup Standards**

Cleanup standards consist of cleanup levels and points of compliance, which must be established for each site. Cleanup levels determine at what level a particular hazardous substance does not threaten human health or the environment. Points of compliance designate the location on the site where the cleanup levels must be met.

### **a) Cleanup Levels**

#### Soil

The Site is located in a mixed commercial and residential area. Soil cleanup levels suitable for unrestricted land uses are therefore applicable to this Site.

Because the cleanup at this Site was relatively straight forward and involved few hazardous substances, the MTCA Method A cleanup levels for unrestricted land uses were deemed applicable and appropriate. Note that the Method A cleanup levels were established based on protection of groundwater and direct contact.

### **b) Points of Compliance**

#### Soil

Soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance was established in the soils throughout the Site from the ground surface to fifteen feet below the

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ground surface. Soil cleanup levels based on protection of groundwater, the point of compliance is in soil throughout the Site.

## **2.5 Restrictive Covenant**

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the Property. A Restrictive Covenant was recorded for the Property in 2006 which imposed the following limitations:

Section 1. A portion of the Property contains gasoline-range TPH benzene, ethylbenzene, and xylenes contaminated soil located immediately adjacent to and under the southeast portion of the southern maintenance and sales building. The Owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

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 Restrictive 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 Restrictive 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, 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 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.

The Restrictive Covenant is available in Appendix 6.5.

## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

Based upon the Site visit conducted in November 2012, the Site is currently occupied by Poulsbo RV. The building and pavement (cap) at the Property appears in good condition and no repair, maintenance, or contingency actions have been required. This cap will continue to provide an adequate barrier to prevent human exposure through ingestion and direct contact with remaining contaminated soils. A photo log is available in Appendix 6.6.

The Restrictive Covenant for the Property was recorded in 2006 and remains active. This Restrictive Covenant requires Ecology's approval prior to conducting any activities that will result in the release of contaminants at the Site. It also prohibits any use of the Property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy.

### **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**

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

"A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment."

### **3.4 Current and projected Site use**

The Site is currently used as a RV sales and service facility. 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**

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.
- The Restrictive Covenant 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 Restrictive Covenant continue to be met. No additional cleanup actions are required at this time. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy 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.

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## 5.0 REFERENCES

Ecology, 2012 Site Visit.

Ecology, November 16, 2006. No Further Action opinion letter.

Ecology, October, 2006. Restrictive Covenant.

Enviros Inc., October 15, 1991. Tank Removal Observation and Limited Environmental Site Assessment of Valley I-5.

LSI Adapt, July 14, 2005. Supplemental Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV.

LSI Adapt, August 6, 2004. Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV

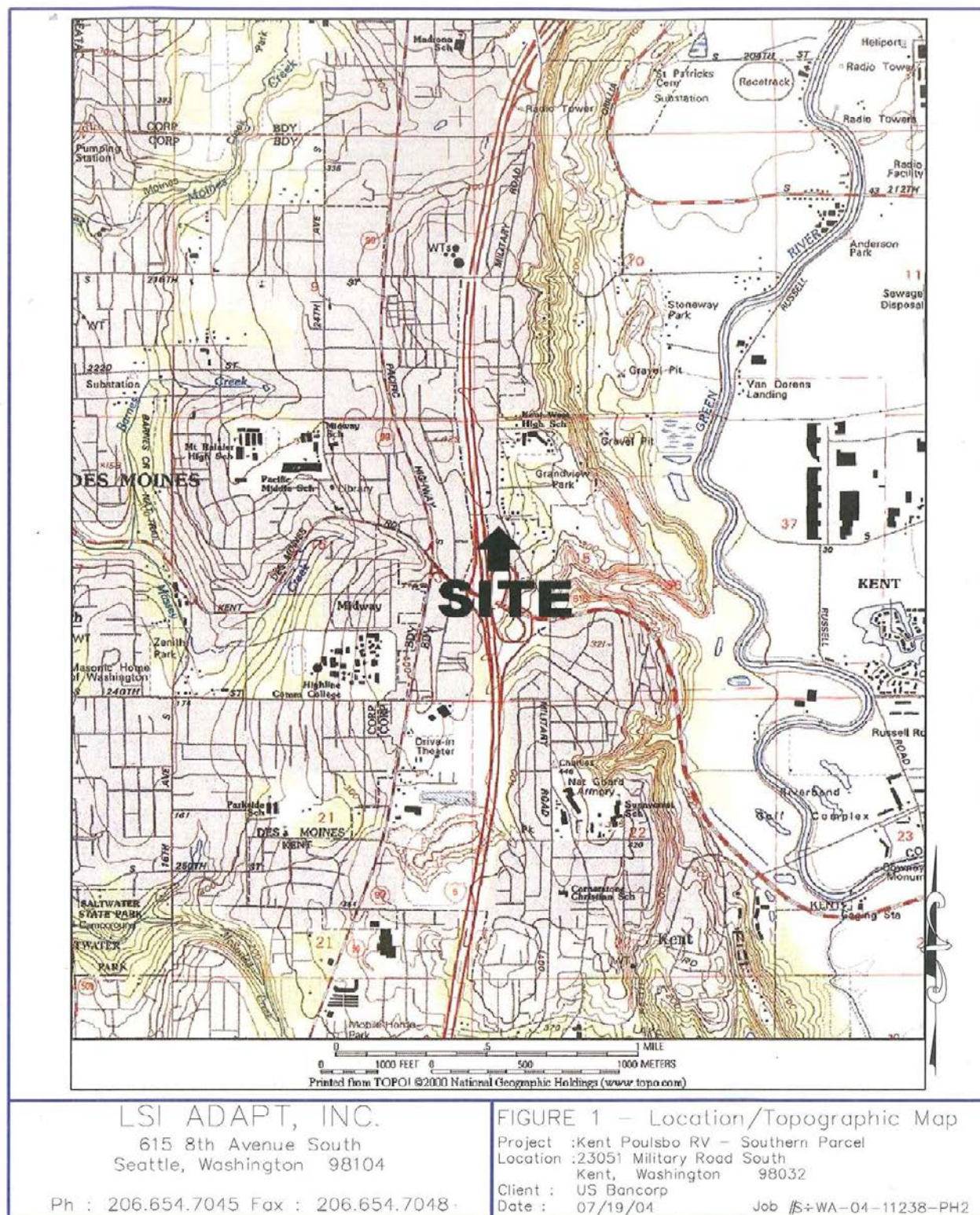
LSI Adapt, June 14, 2004. Phase I Environmental Site Assessment, Poulsbo RV.

Sound Environmental Consulting on December 4, 1998. Underground Storage Tank Closure Site Assessment, Valley I-5 Motor Home, Kent, Washington.

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## **6.0 APPENDICES**

## 6.1 Site Location and Topographic Map

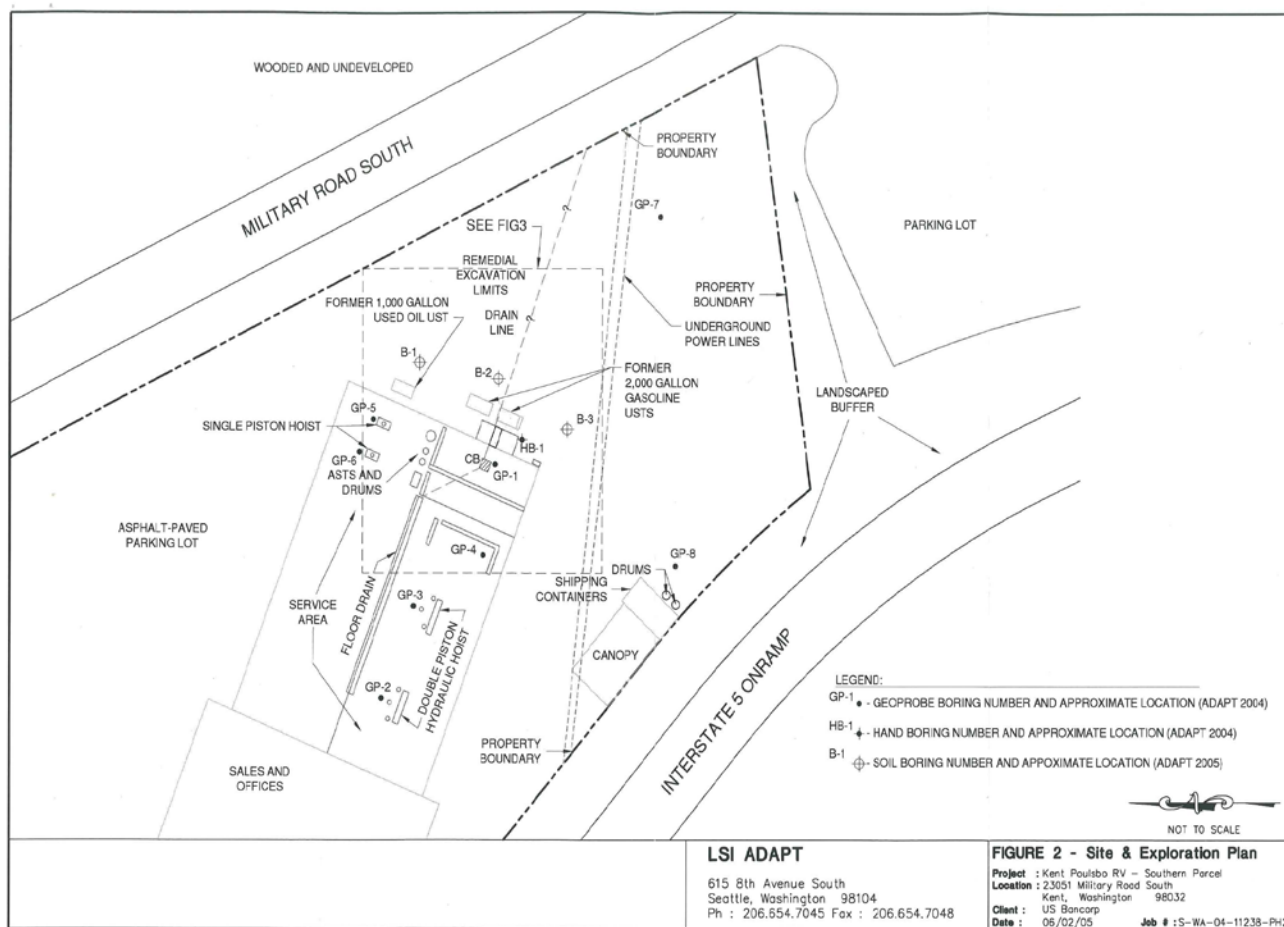




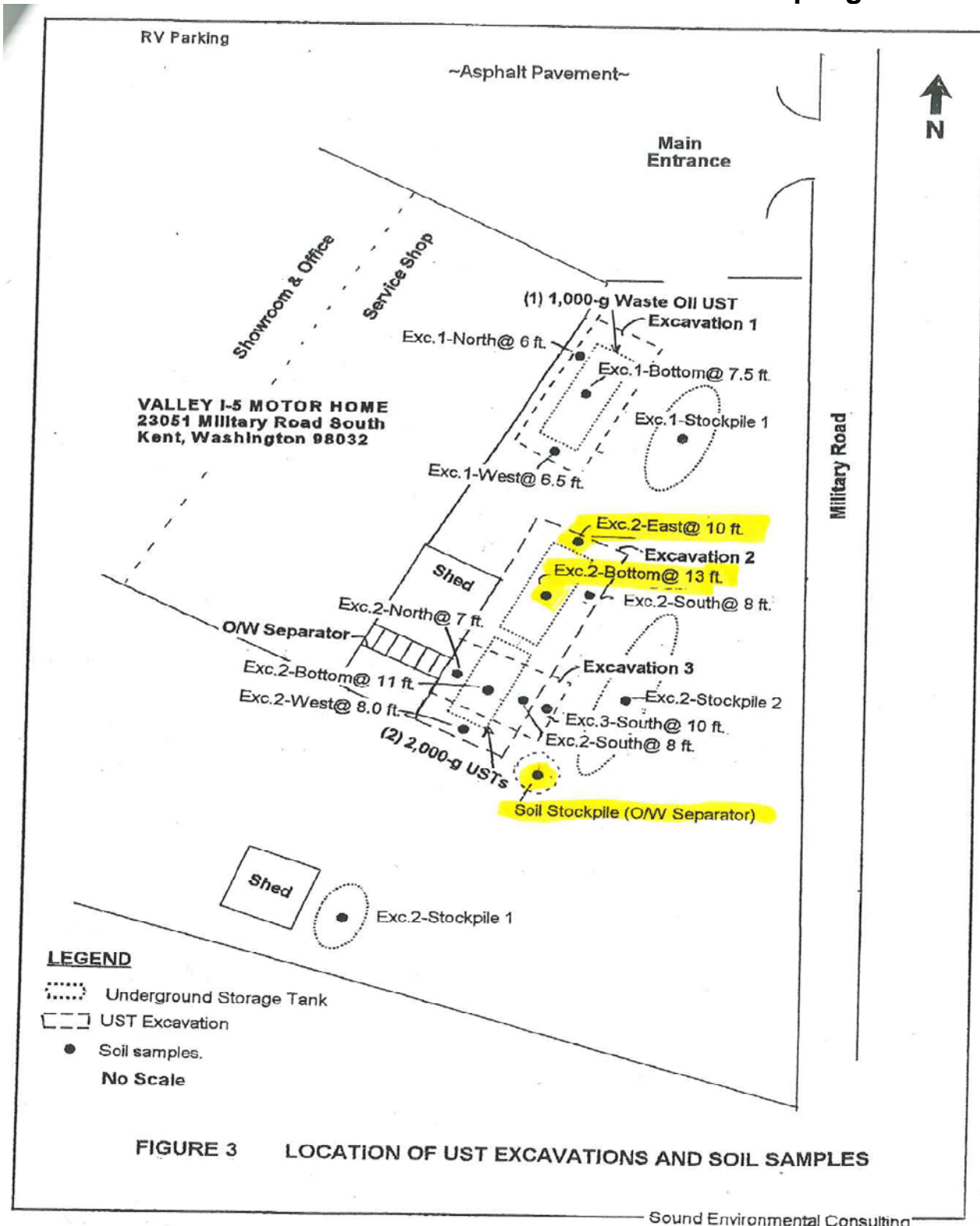
## 6.2 Site Vicinity Map



## 6.3 Site Plan



## 6.4 Extent of the 1998 Excavation and Confirmation Sampling Locations

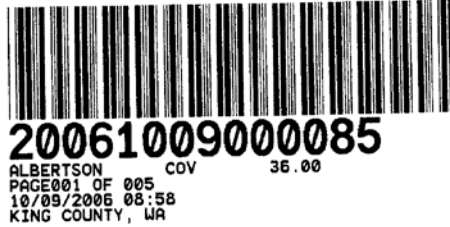




## 6.5 Environmental Covenant

**Return Address:**

Military Road Investments, LLC  
23051 Military Road S  
Kent, WA 98032



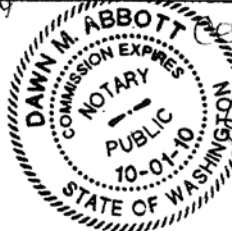
Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

<b>Document Title(s)</b> (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)	
1. Restrictive Covenant	2.
3.	4.
<b>Reference Number(s) of Documents assigned or released:</b>	
Additional reference #'s on page _____ of document	
<b>Grantor(s)</b> (Last name, first name, initials)	
1. Military Road Investments, LLC	
2.	
Additional names on page _____ of document.	
<b>Grantee(s)</b> (Last name first, then first name and initials)	
1. Military Road Investments, LLC	
2.	
Additional names on page _____ of document.	
<b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range)	
152204 27 Ptn Parcel A, Ptn Parcel B, Less Ptn conveyed to City of Kent for 36th Ave S under Rec No.	
20050919002618	
Additional legal is on page <u>1</u> of document.	
<b>Assessor's Property Tax Parcel/Account Number</b>	<input type="checkbox"/> Assessor Tax # not yet assigned
1552049027	
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

I am requesting an emergency nonstandard 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 part of the text of the original document.

*Dana M. Abbott*

Signature of Requesting Party



*certified copy of an original*  
*Dana M. Abbott*

WHEN RECORDED RETURN TO:  
Military Road Investments, LLC  
23051 Military Road S  
Kent, WA 98032

#### **RESTRICTIVE COVENANT**

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440, Military Road Investments, LLC, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns.

**Legal Description:** 152204 27 PARCEL A: PORTION OF SW QTR NW QTR STR 15-22-05 LYING WLY OF W MARGIN OF OLD MILITARY ROAD S & ELY OF E MARGIN OF PRIMARY STATE HWY NO 1 EXE N 460 FT THEREOF; EXC S 479.30 FT; EXC PORTION CONVEYED TO STATE OF WA FOR PRIMARY STATE HIGHWAY NO 1 BY DEED UNDER RECORDING NO 5094448; PARCEL B: PORTION OF SLY 300 FT OF SW QTR NW QTR STR 15-22-04 LYING WEST OF OLD MILITARY ROAD EXC PORTION CONVEYED TO STATE OF WA FOR HIGHWAY PURPOSES BY DEED UNDER RECORDING NO 5094447; (BEING A PORTION OF PROPOSED LOT "A" DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-2001-8 RECORDING NO 20010712001789--PORTION BEING WITHIN LEVY CODE 1551) EXC PORTION CONVEYED TO CITY OF KENT FOR 36TH AVE S BY DEED UNDER RECORDING NO 20050919002618

**King County Tax Parcel I.D. #:** 1552049027

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**RESTRICTIVE COVENANT**  
**Military Road Investments, LLC**

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Military Road Investments, LLC, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology"). An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

- *Tank Removal Observations and Limited Environmental Site Assessment, Valley I-5, 23005 Military Road South, Kent Washington* (completed by Enviro for Valley I-5, Enviro Report No. 910714.02, dated October 15, 1991)
- *Underground Storage Tank Closure Site Assessment, Valley I-5 Motor Home, 23051 Military Road South, Kent, Washington* ( completed by Sound Environmental Consulting for Valley I-5, dated December 4, 1998, Sound Environmental Consulting Report No. 1798)
- *Phase I Environmental Site Assessment, Kent – Poulsbo RV, 23051 Military Road South, Kent, Washington* ( completed by LSI Adapt, Inc. for U.S. Bank, dated June 14, 2004, LSI Adapt, Inc. Report No. WA04-11238-PH1)
- *Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV, 23051 Military Road South, Kent, Washington* ( completed by LSI Adapt, Inc. for U.S. Bank, dated August 6, 2004, LSI Adapt, Inc. Report No. WA04-11238-PH2)
- *Supplemental Limited Phase II Environmental Site Assessment, Kent – Poulsbo RV, 23051 Military Road South, Kent, Washington* ( completed by LSI Adapt, Inc. for U.S. Bank, dated July 14, 2005, LSI Adapt, Inc. Report No. WA04-11238-PH2)

These documents are on file at Ecology's Northwest Regional Office in Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline-range total petroleum hydrocarbons (1,200 ppm), benzene (0.17 ppm) ethylbenzene (22.2 ppm) and xylenes (133 ppm) which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-900.

The undersigned, Military Road Investments, LLC, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows:

152204 27 PARCEL A: PORTION OF SW QTR NW QTR STR 15-22-05 LYING WLY OF W MARGIN OF OLD MILITARY ROAD S & ELY OF E MARGIN OF PRIMARY STATE HWY NO 1 EXE N 460 FT THEREOF; EXC S 479.30 FT; EXC PORTION CONVEYED TO STATE OF WA FOR PRIMARY STATE HIGHWAY NO 1 BY DEED UNDER RECORDING NO 5094448; PARCEL B: PORTION OF SLY 300 FT OF SW QTR NW QTR STR 15-22-04 LYING WEST OF OLD MILITARY ROAD EXC PORTION CONVEYED TO STATE OF WA FOR HIGHWAY PURPOSES BY DEED UNDER RECORDING NO 5094447; (BEING A PORTION OF PROPOSED LOT "A" DESCRIBED & DELINEATED PER CITY OF KENT LOT LINE ADJUSTMENT NO LL-2001-8 RECORDING NO 20010712001789--PORTION BEING WITHIN LEVY CODE 1551) EXC PORTION CONVEYED TO CITY OF KENT FOR 36TH AVE S BY DEED UNDER RECORDING NO 20050919002618

Military Road Investments, 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. A portion of the Property contains gasoline-range TPH benzene, ethylbenzene, and xylenes contaminated soil located immediately adjacent to and under the southeast portion of the southern maintenance and sales building. The Owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology."

"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

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

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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, 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 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.



Richard Wakazuru, General Manager  
Military Road Investments, LLC

9/18/06

Date

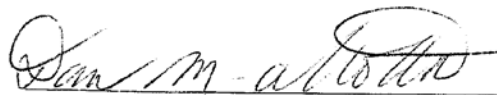
STATE OF WASHINGTON, )  
County of King )

ss.

On this day personally appeared before me Richard Wakazuru, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that it was signed as a free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 18<sup>th</sup> day of  
September, 2006



  
NOTARY PUBLIC: (print name) Dawn M. Abbott  
State of Washington, residing in Poulsbo  
My appointment expires 10/01/06

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## 6.6 Photo Log

Photo1: The north side of the southern building, taken from northwest



Photo 2: The east side of the southern building - taken from southeast.





Photo 3: The east side of the southern building - taken from northeast



Photo 4: East side of the service shop located within the south building – taken from southwest

