



Second Periodic Review Zip Trip 25

**15019 E. Trent Ave, Spokane Valley, Spokane County
Facility Site ID 16421682, Cleanup Site ID 5598**

Toxics Cleanup Program, Eastern Region

Washington State Department of Ecology
Spokane, Washington

September 2021

Document Information

This document is available on the Department of Ecology's [Zip Trip 25 website](#)¹.

Related Information

- Cleanup site ID: 5598
- Facility site ID: 16421682

Contact Information

Toxics Cleanup Program

Eastern Regional Office
Ted Uecker, Site Manager
4601 N. Monroe St.
Spokane, WA 99205
Phone: 509-329-3522

Website²: [Washington State Department of Ecology](#)

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¹ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=5598>

² www.ecology.wa.gov/contact

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the Zip Trip 25 site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in April 2015. This periodic review will evaluate April 2015 through August 2021.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The VCP project number was EA0174. Following cleanup, residual concentrations of total petroleum hydrocarbons (TPH) remained in soil that exceeded MTCA Method A cleanup levels established under WAC 173-340-740(2). As a result of residual contamination, institutional controls were implemented 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 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 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 or 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.

Summary of Site Conditions

Site history

The Zip Trip 25 (now doing business as Nom Nom) retail petroleum station is located at 15019 East Trent Avenue in the City of Spokane Valley, in Spokane County, Washington. The Site is bounded by Trent Avenue and railroad tracks to the south, storage units and a retail business to the west, and residential properties to the north and east.

Three 10,000-gallon underground storage tanks (USTs) (one regular gasoline, one mid-grade gasoline, and one premium gasoline) are being used at the Site. The Site has been a fuel station since 1979. Site soils consist mostly of sand with silt, and sand and gravel overlying gneiss bedrock. Depth to groundwater is approximately 98 feet below ground surface (bgs) and groundwater flow is to the southwest.

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

Remedial actions

Ecology discovered a pinhole leak in a copper line running from the turbine pump to the fuel dispensers in February 2008 during a Site inspection. The leak was at the southernmost tank (regular gasoline). To assess the extent of the release, the asphalt surface was cut, and two borings were installed with a hand auger. Two samples were collected from the north and south sides of the tank. Although contamination was detected on both sides of tank #1, the highest TPH concentrations were detected on the north side between tank #1 and tank #2 at 3,730 milligrams per kilogram (mg/kg) of gasoline-range petroleum hydrocarbons.

Five soil borings were installed in April 2008 to define the extent of contamination. Results from boring NWT-DH-3 indicated contaminated soil extended to a depth of 16 feet bgs. Sample results from the same boring collected from 16–20 feet bgs were below cleanup levels. All other results were non-detect or below cleanup levels; however, not all borings extended to 16 feet bgs.

Ecology issued a VCP opinion letter in August 2008 indicating that additional borings should be installed to determine the extent of soil contamination at 16 feet bgs. The work plan for the additional borings was approved in November 2008, and the two additional borings were installed in November 2008. Two soil samples were collected from each boring at 12–14 feet and 14–16 feet bgs. None of the samples contained petroleum hydrocarbons at concentrations above laboratory detection limits.

Cleanup levels and points of compliance

WAC 173-340-704 states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be routine, few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is established as soils throughout the Site.

Environmental Covenant

Limited amounts of soil contaminated by petroleum hydrocarbons remain in the area of the USTs. Since the extent of the contamination was limited, additional excavation would require removing the USTs. Since there was no apparent threat to groundwater, no additional remedial action was taken. It was determined the Site would be eligible for an NFA determination if institutional controls were implemented in the form of an Environmental Covenant (Covenant). The Covenant was recorded for the Site on June 2, 2009, and Ecology issued an NFA determination.

The following restrictions were implemented in the Covenant:

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 subsurface 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 continued monitoring, operation, and maintenance of the Remedial Action.

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.
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.
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 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 in Appendix C.

Periodic Review

Effectiveness of completed cleanup actions

Based upon the Site visit Ecology conducted on August 24, 2021, the building, asphalt, and concrete surface covers continue to eliminate direct exposure pathways (ingestion, contact) to contaminated soils. The asphalt and concrete surfaces are cracked in places, but are sufficient to prevent direct contact with contaminated soils. Overall, the Site is in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site remains occupied by a retail petroleum and food mart, now operating as Nom Nom. A photo log is in Appendix D.

Remaining TPH concentrations in soil are below residual saturation screening levels, which indicates that contaminated soils are not likely to pose a risk to groundwater quality. Additionally, contaminated soils are located at a sufficient distance from the convenience store structure that they are not likely to pose a vapor intrusion threat to indoor air quality.

Institutional controls

The Covenant for the Site was recorded and remains active and discoverable through the Spokane County Auditor's Office. 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 remedy and the Site surface cover.

New scientific information for individual hazardous substances or mixtures present at the Site

There is no new relevant scientific information for the hazardous substances remaining at the Site.

New applicable state and federal laws for hazardous substances present at the Site

Cleanup levels for gasoline-range petroleum hydrocarbons have not changed since remedial actions were conducted at the Site. Contamination remains at the Site above MTCA Method A cleanup levels, and the cleanup action is still protective of human health and the environment.

Current and projected site use

The Site is used for commercial purposes; it remains occupied by a Zip Trip (Nom Nom) gas station and convenience store. There have been no changes in current or projected future Site or resource uses.

In the event that the UST system is removed or replaced, contaminated soil in the vicinity of tank #1 and tank #2 should be excavated and disposed of properly. If all contamination is removed, as demonstrated by confirmational soil samples, the NFA determination for the Site would no longer be contingent on the Covenant.

Availability and practicability of higher preference technologies

The remedy implemented included containing 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.

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.

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 for the Site 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 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 requirements of 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 the integrity of the cap is maintained.

Next review

The next review for the Site will be scheduled five years from the date of this periodic review. If additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

References

Able Cleanup Technologies, Inc. *Spill Characterization and Sampling Report*. April 21, 2008.

Able Cleanup Technologies, Inc. Phase II Drilling. December 16, 2008.

Ecology. "Internal VCP Review Memo." February 20, 2009.

Cenex Petroleum, Inc. *Restrictive Covenant*. June 2, 2009.

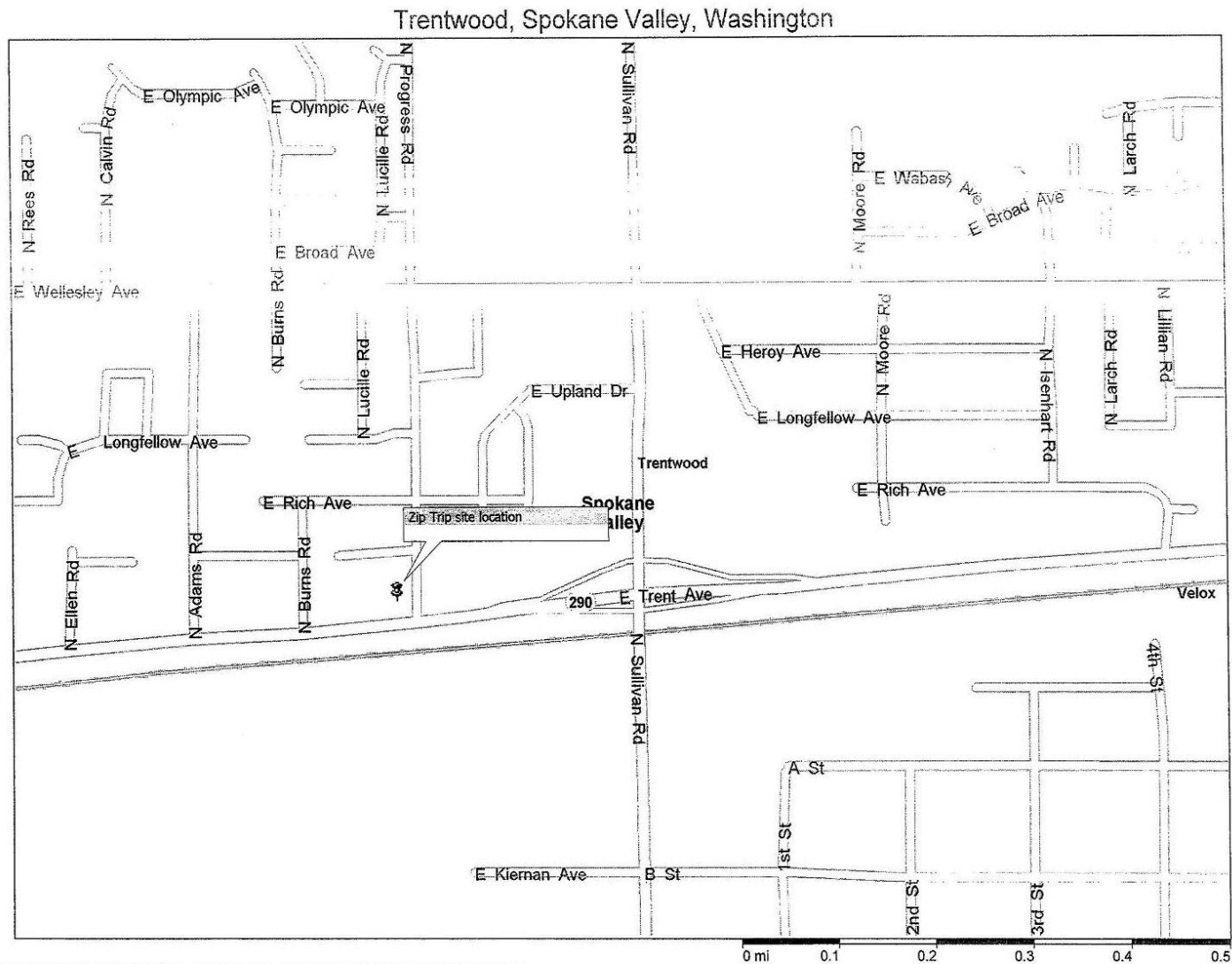
Ecology. *No Further Action Letter*. June 23, 2009.

Ecology. Site visit. November 26, 2014.

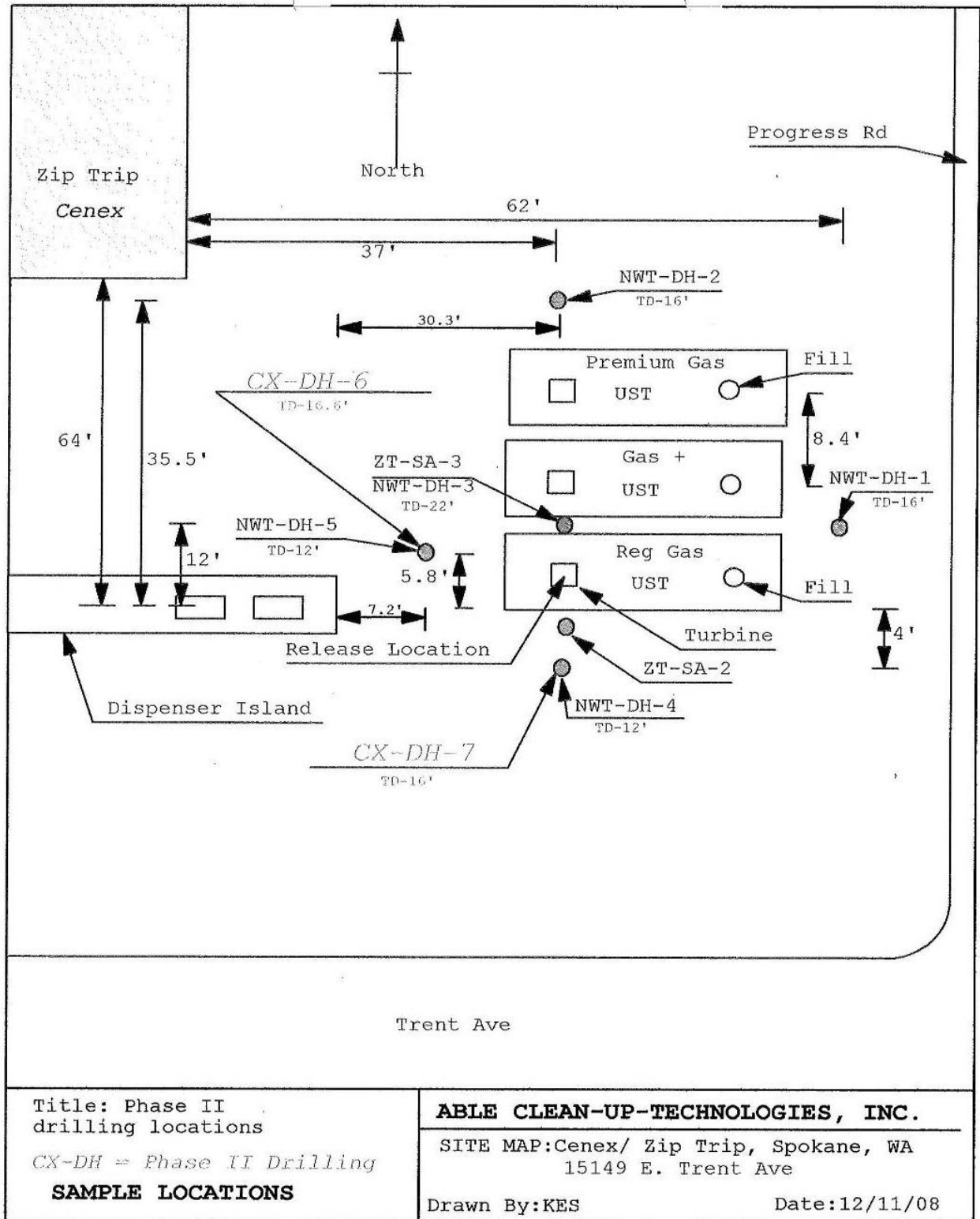
Ecology. *Periodic Review Report*. April 2, 2015.

Ecology. Site visit. August 24, 2021.

Appendix A. Vicinity Map



Appendix B. Site Plan



Appendix C. Environmental Covenant

06/02/2009 03:40:58 PM
Recording Fee \$45.00 Page 1 of 4
Covenant DEPARTMENT OF ECOLOGY
Spokane County Washington

5797806



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

Restrictive (Environmental) Covenant

Environmental Covenant

Grantor: Cenex Petroleum, Inc.

Grantee: State of Washington, Department of Ecology

Legal: LOT 1, BLOCK 1, RAY'S ADDITION, ACCORDING TO PLAT RECORDED IN VOLUME 14 OF PLATS, PAGE 91, IN THE CITY OF SPOKANE VALLEY, SPOKANE COUNTY, WASHINGTON

Tax Parcel Nos.: 45021.6301

Grantor, Cenex Petroleum, 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 5th day of May, 2009 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 Cenex Petroleum, 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 documents:

- Spill Characterization & Sampling Report, Zip Trip, 15019 East Trent Avenue, Spokane Valley, Washington: Able Clean-up Technologies Inc., April 21, 2008.
- Work Plan for Zip Trip #25, 15019 East Trent Avenue, Spokane Valley, Washington: Able Clean-up Technologies Inc., October 24, 2008.
- Phase II Drilling for Zip Trip #25, 15019 East Trent Avenue, Spokane Valley, Washington: Able Clean-up Technologies, Inc., December 16, 2008.

These documents are 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, Cenex Petroleum, 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:

LOT 1, BLOCK 1, RAY'S ADDITION, ACCORDING TO PLAT RECORDED IN
VOLUME 14 OF PLATS, PAGE 91, IN THE CITY OF SPOKANE VALLEY,
SPOKANE COUNTY, WASHINGTON

Cenex Petroleum, 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.

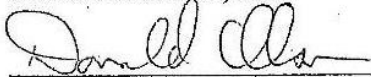
Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

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.

Cenex Petroleum, Inc.

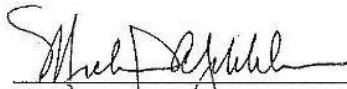


By: Donald Olson

Its: President

Dated: May 5, 2009

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



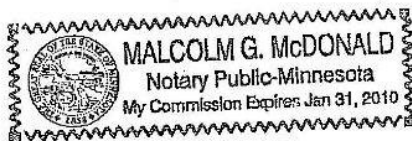
Michael A. Hibbler
Section Manager, Toxics Cleanup Program

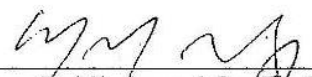
Dated: May 11, 2009

[CORPORATE ACKNOWLEDGMENT]

STATE OF MINNESOTA
COUNTY OF DAKOTA

On this 5th day of May, 2009, I certify that Donald Olson personally appeared before me, acknowledged that he/she is the President of Cenex Petroleum, Inc. 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.
My appointment
expires Jan 31, 2010.

Appendix D. Photo Log

Photo 1: Gas Pump Island — from the east



Photo 2: Zip Trip 25 — from the southwest



Photo 3: UST Pad — from the east



Photo 4: UST Pad and Residual Contamination Area — from the northwest

