



## **PERIODIC REVIEW**

**Martin Wood Products Property  
Facility/Site ID #: 64145388**

**2105 North Airport Street  
Spokane, Washington 99212**

**Eastern Region Office**

**TOXICS CLEANUP PROGRAM**

**August 2009**

<b>1.0 INTRODUCTION.....</b>	<b>1</b>
<b>2.0 SUMMARY OF SITE CONDITIONS.....</b>	<b>2</b>
2.1 Site History .....	2
2.2 Site Investigations and Remedial Actions .....	2
2.3 Restrictive Covenant.....	3
<b>3.0 PERIODIC REVIEW .....</b>	<b>5</b>
3.1 Effectiveness of completed cleanup actions .....	5
3.2 New scientific information for individual hazardous substances for mixtures present at the Site .....	5
3.3 New applicable state and federal laws for hazardous substances present at the Site .....	5
3.4 Current and projected Site use .....	5
3.5 Availability and practicability of higher preference technologies .....	5
3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels .....	6
<b>4.0 CONCLUSIONS .....</b>	<b>7</b>
4.1 Next Review.....	7
<b>5.0 REFERENCES.....</b>	<b>8</b>
<b>6.0 APPENDICES.....</b>	<b>9</b>
6.1 Vicinity Map .....	10
6.2 Site Map.....	11
6.3 Environmental Covenant .....	12
6.4 Photo log .....	16

## 1.0 INTRODUCTION

This document is the Department of Ecology's review of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the Martin Wood Products Property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of total petroleum hydrocarbons (TPH) that exceed MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). The MTCA Method A cleanup levels for soil are established under WAC 173-340-740(2). WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- Whenever the department conducts a cleanup action.
- Whenever the department approves a cleanup action under an order, agreed order, or consent decree.
- Or, as resources permit, whenever the department issues a No Further Action opinion, 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 the department 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; and
- (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 Martin Wood Products Site is located at 2105 North Airport Street in the City of Spokane in Spokane County, Washington. The Site is bordered by railroad tracks and residential properties to the south, and Spokane International Airport property to the north. A vicinity map is available as Appendix 6.1 and a site plan is available as Appendix 6.2. Following remedial activities that took place 2001, a restrictive covenant was recorded for the property and the Site received a No Further Action determination.

In the late 1940s the Site was occupied by an aluminum roofing, siding and house trim manufacturing company. An electrical transmission line contractor operated at the Site from approximately 1955 to 1987. Other tenants that have occupied portions of the Site include an auto body repair and painting shop and an asphalt maintenance company.

Operations of the Site since 1987 have included M&M Autobody occupying the southeastern portion of the building and northern portion of the property (used for car storage) and the Pavement Maintenance Corporation occupying the remainder of the building, and a large open face building on the western portion of the property.

In June 1999, all Site buildings were demolished. Following remedial activities at the Site, a bulk propane distribution facility was constructed at the Site.

### **2.2 Site Investigations and Remedial Actions**

In September 1997, the Spokane International Airport contracted with EMCON of Spokane, Washington to conduct a Phase I Environmental Site Assessment and limited Phase II soil investigation at the Site. At the time of the EMCON investigations, the property was occupied by the Pavement Maintenance Corporation and M&M Autobody and Painting shop. The EMCON Phase I concluded that there was a low potential for environmental impact from off-site sources. However, several areas of potential contamination were identified on-site including:

- Drum storage areas
- Former UST location
- Asphalt stockpiles
- Above ground storage tanks
- Interior floor drain
- Auto and equipment storage
- Miscellaneous areas of general staining.

The EMCON Phase II advanced nine test pits as part of a soils investigation. Samples from the test pits documented several locations of shallow petroleum contamination above MTCA Method A cleanup criteria. In addition, PCBs were detected in the interior floor drain area, but

at levels below MTCA Method A cleanup criteria. EMCON recommended that additional soil sampling be conducted in the floor drain area.

In October 1998 EMCON excavated the floor drain area to approximately 3 feet below ground surface (bgs). The drain appeared to discharge directly to native soil. No piping was observed. A sample was collected from the bottom of the excavation and analyzed for TPH as gasoline, diesel, and oil range hydrocarbons, BTEX (benzene, toluene, ethylbenzene, and xylene), cadmium, lead, and PCBs. Results indicated the presence of diesel at a concentration of 1,840 mg/kg and oil at a concentration of 443 mg/kg. All other results were non-detect or below cleanup levels. PCBs were not detected.

In February 1999, Fulcrum Environmental Consulting (Fulcrum) was contracted by SIA to conduct a subsurface investigation of specific locations of concern identified in the EMCON report. At the time of this investigation, Robs's Demolition of Spokane was contracted to demolish and remove all onsite structures. Fulcrum's investigation concentrated on test pits identified in the EMCON report as having TPH concentrations above MTCA Method A cleanup criteria. Fulcrum's investigation collected soil samples at depths sufficient to document underlying clean native soils. Samples collected from Test Pit 3 contained TPH concentrations above 200 mg/kg as diesel. This area was reexcavated to five feet bgs and an additional sample collected from the bottom of the excavation indicated that any remaining contamination was below MTCA Method A cleanup levels.

One location along the railroad line revealed previously undocumented buried garbage and elevated diesel-range TPH contamination. Soil was excavated to approximately 15 feet bgs, but samples collected from the limits of the excavation indicated that TPH as oil was present at concentrations up to 2,660 mg/kg. Due to the close proximity to the rail line, additional excavation could not be conducted.

In April 2000, Fulcrum conducted additional soil sampling at the northern portion of the property. Some stained soils were stockpiled and sampled for lead and TPH as diesel and heavy oil. Sample results did not indicate the presence of contamination above MTCA Method A cleanup levels.

It was determined that the Site would be eligible for a No Further Action determination if institutional controls were used to document and protect remaining contamination. In 2000, a restrictive covenant was recorded for the Site and a No Further Action letter was sent to the property owner. The site status was changed to reflect a No Further Action determination.

## **2.3 Restrictive Covenant**

The Restrictive Covenant recorded for the Site in 2000 imposes the following limitations:

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 is prohibited.
2. Any activity that may interfere with the integrity of the remedial action is prohibited.

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3. Any activity that may result in the release of a hazardous substance that remains as part of the remedial action is prohibited.
  4. The owner or successor owner of the Site must give written notice of intent to convey any interest in the Site.
  5. The owner must restrict leases to uses and activities consistent with the restrictive covenant.
  6. The owner or successor owner must notify and obtain approval from Ecology prior to any use of the Site 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.

A copy of the Restrictive Covenant for the Site is available as Appendix 6.3.

## **3.0 PERIODIC REVIEW**

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

Based on a site visit conducted by Ecology on July 29, 2009, the Site is currently occupied by a bulk propane distribution facility. The Site is enclosed by security fencing and restricted to public access. A compacted gravel surface serves as a cap for the Site and eliminates the human exposure pathways (ingestion, contact) to contaminated soils. No repair, maintenance, or contingency actions have been required. A photo log is available as Appendix 6.4.

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive 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 Restrictive Covenant serves to assure the long term integrity of the surface cover.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new pertinent 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.”

Contamination remains at the site above MTCA Method A cleanup levels and the cleanup action is still protective of human health and the environment.

### **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 materials, 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 well below MTCA Method A cleanup levels. The presence of improved analytical techniques would not effect decisions or recommendations made for the Site.



## **4.0 CONCLUSIONS**

- The cleanup actions completed at the Site are protective of human health and the environment.
- Soils cleanup levels have not been met at the Site; however, the cleanup action is determined to comply with cleanup standards at the time of the action, since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The Restrictive 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, the Department of Ecology has determined that the requirements of the Restrictive Covenant are being met. No additional 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 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

EMCON. *Phase I Environmental Site Assessment and Phase II Limited Soil Investigation Report*. October 27, 1997.

Fulcrum Environmental Consulting, Inc. *Independent Remedial Action Report*. January 5, 2000.

Ecology. *VCP Review of Martin Wood Products*. April 13, 2000.

Fulcrum Environmental Consulting, Inc. *Soil Sampling at Suspect Location within Martin Wood Products Site*. May 24, 2000.

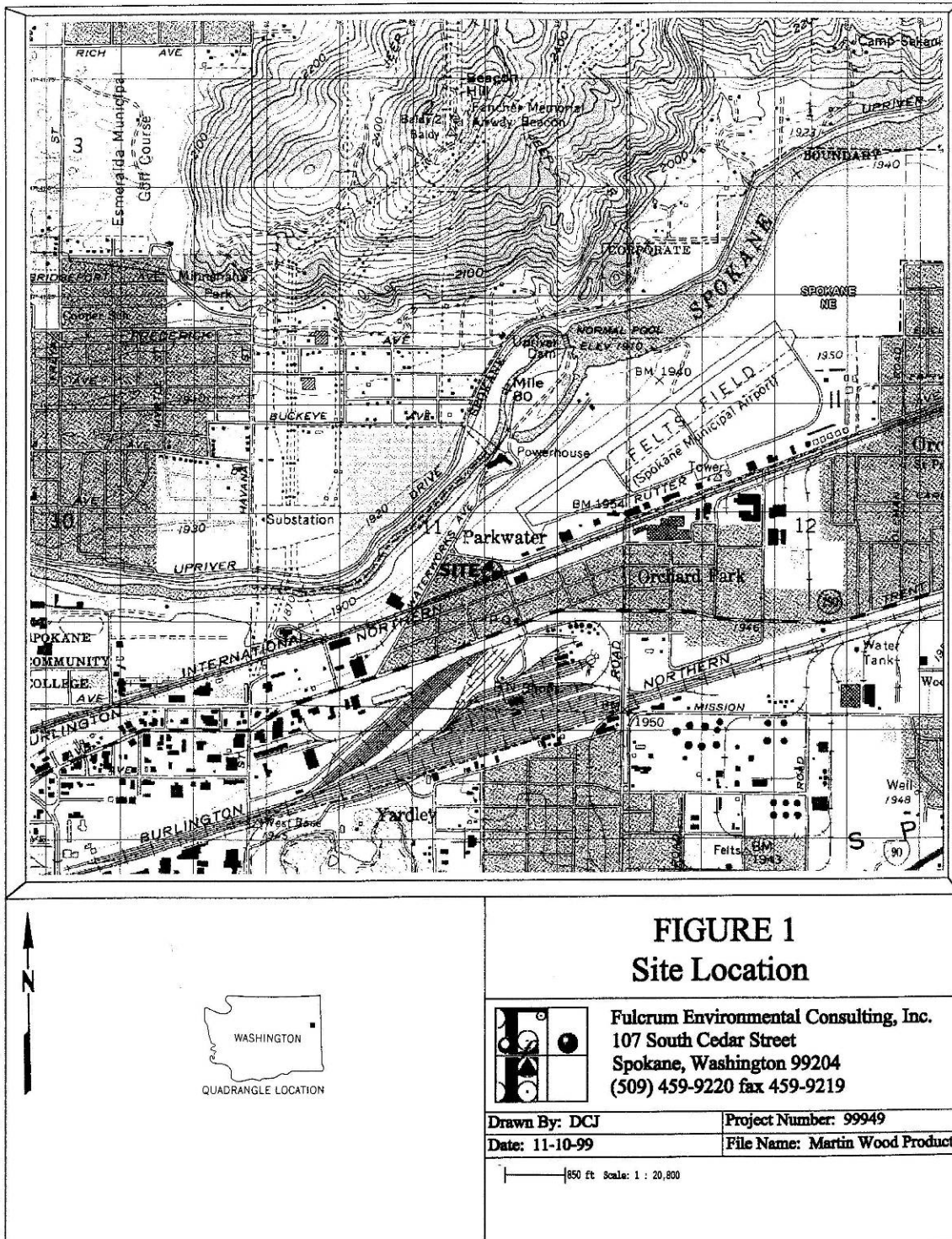
Ecology. 2001, Restrictive Covenant

Ecology, 2008, Site Visit

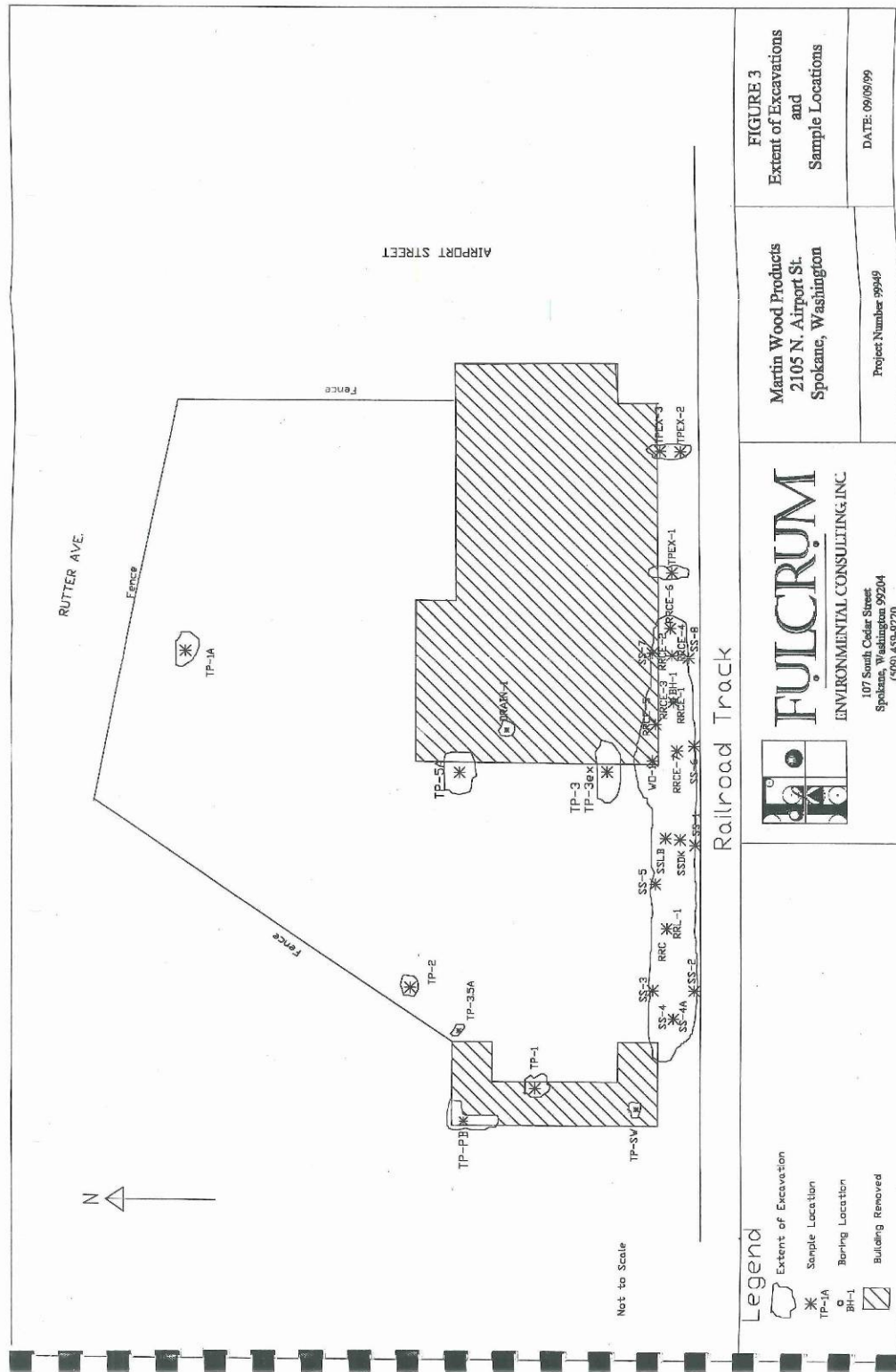
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## **6.0 APPENDICES**

## 6.1 Vicinity Map



## 6.2 Site Map



## 6.3 Environmental Covenant

TCP / II Martin Wood Products  
Spokane

**AFTER RECORDING MAIL TO:**

Name Village Square Realty  
Address 2901 North Regence HS  
City / State Spokane, WA 99214  
Attn: Don Buddleston

THIS IS A TRUE AND CERTIFIED COPY.  
OF THE ORIGINAL DOCUMENT  
RECORDED 8-2-09 4:23  
AUDITOR'S FILE NO. 4503892  
By Carly Blah  
First American Title Company of Spokane

**Document Title(s):** (or transactions contained therein)

1. Restrictive Covenant
- 2.
- 3.
- 4.

**Reference Number(s) of Documents assigned or released:**

☐ Additional numbers on page \_\_\_\_\_ of document

**Grantor(s):** (Last name first, then first name and initials)

1. City of Spokane
2. Spokane County
3. Spokane International Airport
- 4.
5. ☐ Additional names on page \_\_\_\_\_ of document

**Grantee(s):** (Last name first, then first name and initials)

- 1.
- 2.
- 3.
- 4.
5. ☐ Additional names on page \_\_\_\_\_ of document

**Abbreviated Legal Description as follows:** (i.e. lot/block/plat or section/township/range/quarter/quarter)

Lot 1 Blk 34  
Lts 1-5 Blk 41 Parkview

☐ Complete legal description is on page 102 of document

**Assessor's Property Tax Parcel / Account Number(s):**

35114.0101, 35114.0301

(4)

NOTE: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

RESTRICTIVE COVENANT

The City of Spokane and The County of Spokane, The Spokane International Airports. The property herein described and located at Felts Field Spokane, Washington.

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (l) (f) and (g) and WAC 173-340-440 by The City of Spokane and The County of Spokane, The Spokane International Airports., 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 document [s]:

1. Soil Sampling as Suspect Location within Martin Wood Products Site, 2105 North Airport Street, Spokane, Washington: Fulcrum Environmental Consulting, Inc., May 24, 2000
2. Independent Remedial Action Report, Martin Wood Products Site, 2105 North Airport Street, Spokane, Washington: Fulcrum Environmental Consulting, Inc., January 5, 2000
3. Phase I Environmental Site Assessment and Phase II Limited Soil Investigation Report, Martin Wood Products Property, 2105 North Airport Street, Spokane, Washington: EMCON, October 29, 1997.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil Established under WAC 173-340-740.

The undersigned, The City of Spokane and The County of Spokane, The Spokane International Airports., is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described Spokane County Tax Parcel #'s 35114.0101 and 35114.0301; Lot 1 Block 34 and Lots 1-5 inclusive Block 41 Parkwater. Also that portion of Crest Avenue (now Hutton Avenue) now vacated lying between Lot 1 in said Block 34 on the North and Lots 1-4 inclusive in Block 34 on the south and the southerly 25 feet of that part of said vacated

street abutting Lot 5 in Block 41, City of Spokane, State of Washington. This covenant applies to Lots 2, 3 & 4 of Block 41 Parkwater.

The City of Spokane and The County of Spokane, The Spokane International Airports, 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, or any activities that may cause migration of the hazardous substances.

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.


  
Spokane International Airports, John G. Morrison; CEO/Executive Director

State of Washington

County of Spokane

On this day personally appeared before me John G. Morrison 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 2 Day of August, 2000.

  
\_\_\_\_\_

Notary Public in and for the State of Washington

residing at Spokane



## 6.4 Photo log

**Photo 1: Martin Wood Products Property - from the northeast**



**Photo 2: Railroad Property Boundary – from the east**





**Photo 3: Railroad Property Boundary - from the west**



**Photo 4: Martin Wood Products Property - from west**

