



PERIODIC REVIEW

**Red Carpet Motor Inn
Facility/Site ID#: 3278590**

**1608 Fruitvale Boulevard
Yakima, Washington 98902**

Central Regional Office

TOXICS CLEANUP PROGRAM

June 2011

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1.0 INTRODUCTION

This document is the Department of Ecology's review of site conditions and monitoring data to assure that human health and the environment are being protected at the Red Carpet Motor Inn property located at 1608 Fruitvale Boulevard in Yakima, Washington (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup actions at this Site were conducted under the Voluntary Cleanup Program (VCP). The cleanup actions have resulted in residual concentrations of oil range petroleum hydrocarbons exceeding MTCA Method A cleanup levels for soil and groundwater 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:

- (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
- (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; 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 Description and History

The Red Carpet Motor Inn Site is located approximately 1/2 block west of the Fruitvale Boulevard and 16th Avenue intersection in the City of Yakima, Yakima County, Washington. The Site is surrounded by residential and commercial properties. .

In 2002, Fulcrum Environmental Consulting, Inc. (Fulcrum) was contracted to remove a heating oil underground storage tank (UST) from the Site. The UST was located adjacent to the facility office. The installation date of the fuel UST is unknown; however, the installation was likely concurrent with motel construction, assumed to be in the 1950s. Historically, the UST was assumed to provide fuel oil for the Inn's east guestroom wing heating system. To the best of the current property manager's knowledge, the fuel tank had not been used for at least the last 10 years prior to decommissioning. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

2.2 Site Investigation

Tri-Valley Construction and Fulcrum conducted UST Site Assessment and decommissioning activities on February 18, 2002. Fulcrum's preliminary inspection of the tank found no indication of tank structural failure. A shallow horizon (approximately 6 inches to 1 foot thick) in the area adjacent to the product line was gray in color, but exhibited no petroleum hydrocarbon-like odor or color. The interior of the tank was inspected with no indication of tank failure being noted. Approximately 12 inches of product remained in the tank. No leak detection systems, secondary containment, hold down pads, or anchoring systems were identified with the UST. The Red Carpet Motor Inn had no records of UST maintenance repairs, reports of leakage, or release to the environment. Tank capacity was estimated at approximately 1,100 gallons.

Fulcrum collected samples from the bottom and sidewalls of the excavations for field and laboratory analysis. Evidence of potential hydrocarbon release was identified during field screening of the southern excavation bottom sample (300-02) and east and south sidewall sample (300-04 and 300-06). The excavation was backfilled upon tank removal and completion of sample collection due to the proximity of the adjacent building and sidewalk.

The two excavation bottom samples were analyzed using Northwest Total Petroleum Hydrocarbons (NWTPH) – Hydrocarbon Identification (HCID) initially. Upon a determination of identification of fuel oil range hydrocarbons, above the detection limit, both excavation bottom samples were analyzed by NWTPH-Fuel oil extended (NWTPH-Dx). Upon receipt of analytical results, the remaining 4 sidewall samples were analyzed by NWTPH-Fuel oil (NWTPH-D). Concentrations of 370 ppm and 7800 ppm were identified at pit bottom.

2.3 Risk Assessment

2.3.1 Threat by Direct Contact to Contaminated Soils

It was determined that risk associated with direct contact to contaminated soils will be effectively eliminated by institutional controls, impermeable ground cover (asphalt) and depth of impacted soil (greater than 8 ft bgs). The Site was covered with an impermeable asphalt surface. Fulcrum recommended that a restrictive deed covenant be used as an institutional control to reduce risk associated with remaining impacted soils. The restrictive deed covenant should require that a physical surface barrier (such as paving or building footprint) be maintained over the impacted soil and activities that might impact the contaminated soil, such as excavation, be restricted.

2.3.2 Threat to Groundwater

Potential impact to groundwater was evaluated using the Method B TPH calculation spreadsheets to estimate soil concentrations protective of groundwater. Due to the lack of extractable petroleum hydrocarbon analytical results, fractionalized composition information was estimated using on Ecology's Interim TPH Policy spreadsheet for fuel oil range petroleum hydrocarbons.

When evaluating potential impact to groundwater, the following conservative assumptions were used:

- Soil contamination extends from the surface to the water table at a uniform concentration of 7,800 ppm
- The source is infinite such that steady state concentrations will be maintained in groundwater over the exposure period of interest (In reality, source has been removed).
- Contaminants are evenly distributed throughout the zone of concentration (In reality, 4 of the 6 samples were non-detect for TPH concentrations).
- There is no chemical or biological breakdown in the unsaturated zone.
- Equilibrium soil/water partitioning is instantaneous and linear in the contaminated soil.
- The receptor well is at the edge of the source and is screened within the plume.
- The aquifer is unconsolidated and unconfined.
- Aquifer properties are homogeneous and isotropic.
- There is no attenuation of contaminants in the aquifer.

Model calculations based on predicted fuel oil composition, unlimited contaminant source, and uniform contaminant concentration of 7,800 ppm fuel oil from ground surface to groundwater (in direct contact with groundwater) resulted in acceptable risk to Site groundwater. Exposure through the vapor pathway was not evaluated because fuel oil concentration was less than 10,000 ppm.

2.3.3 Threat of Vapor Intrusion

Vapor pathway evaluation determines the potential for harmful concentrations of petroleum vapors in indoor living spaces. Diesel range soil concentrations less than 10,000 ppm have an extremely low potential to generate harmful indoor vapor concentrations and are not required to be evaluated for vapor pathway exposure under MTCA cleanup requirements.

2.4 Restrictive Covenant

Ecology concurred that a deed restriction (restrictive covenant) was an effective way to prevent exposure to contaminated soils remaining at the Site. A restrictive covenant was recorded for the Site in 2006. The Restrictive Covenant imposes the following limitations:

1. A portion of the Property contains diesel range hydrocarbon contaminated soil located approximately nine (9) feet below surface pavement and concrete sidewalks, south of the office and east of the main building, adjacent to the building foundation. The Owner shall not alter, modify, or remove the existing structure or surfacing 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.
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. 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.
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 Restrictive 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 Restrictive 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
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 as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Based upon the Site visit conducted on June 29, 2011, the asphalt cover at the Site continues to eliminate the exposure of contaminated soils by ingestion and direct contact. Asphalt covers the majority of the Site. Areas of significantly cracked asphalt are present at the Site, but not to such a degree that there is an increased risk of exposure to the soils beneath. The Site is currently occupied by the Red Carpet Motor Inn and provides short and long-term lodging. A photo log is available as Appendix 6.4.

The Restrictive Covenant for the Site was recorded and is active. 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 prevention of exposure to contaminated soils contained 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 petroleum contaminants related to the Site.

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

MTCA Method A and B cleanup levels have not changed for contaminants of concern at the Site since the NFA was issued in 2006.

3.4 Current and projected Site use

The Site currently operates as a motel, and surrounded by properties used for commercial purposes. There have been no changes in current or projected Site or resource uses.

3.5 Availability and practicability of higher preference technologies

The remedy implemented at the Site included the containment of hazardous materials. Typically, this type of remedy is used when contamination is in a location that is difficult to access, or excavation may result in damage to site structures. In this case, it appears that the containment remedy was selected because the excavation was backfilled before analytical results were received.

Additional excavation of contaminated soils is both possible and practicable at the Site. It is a higher preference technology because it would result in a permanent remedy that would not require the use of institutional controls to prevent exposure to contaminated soils.

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 for the contaminants of concern. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

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4.0 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, under WAC 173-340-740(6) (d), the cleanup action is determined to comply with cleanup standards, since the long-term integrity of the isolation or containment system is ensured and the requirements for isolation or containment technologies in WAC 173-340-360(8) continue to be met.
- The containment remedy is protective of human health and the environment; however additional excavation is both possible and practicable at the Site. Additional excavation is a preferable technology that would likely result in a permanent remedy that does not require the use of institutional controls.
- The Restrictive Covenant for the property is in place, and its limitations are being observed. The restrictive covenant 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 limitations of the Restrictive Covenant are being followed. The property owner is not required to conduct additional cleanup actions. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the cap 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

Fulcrum Environmental Consulting, Inc. *Underground Storage Tank Site Assessment*.
March 15, 2002.

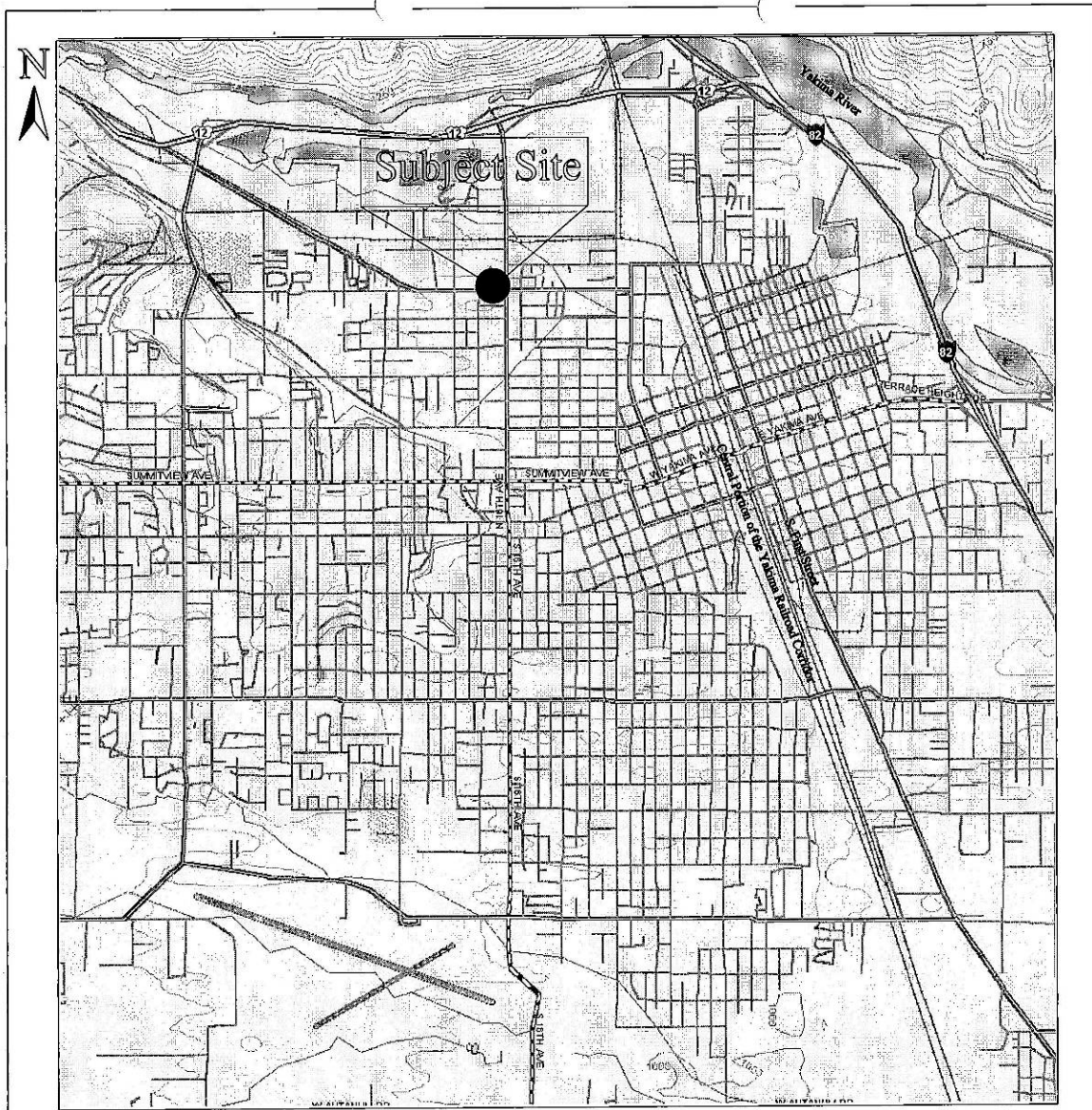
Ecology. *Restrictive Covenant*. January 5, 2006.

Ecology. *No Further Action Determination Letter*. January 10, 2006.

Ecology. *Site Visit*. June 29, 2011.

6.0 APPENDICIES

6.1 Vicinity Map



LEGEND

Subject Site: ●
Scale: 1 mile ————
Contour Interval: 50 feet
Source: DeLorme 3-D Topoquad Maps 1:40 625

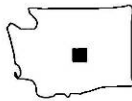
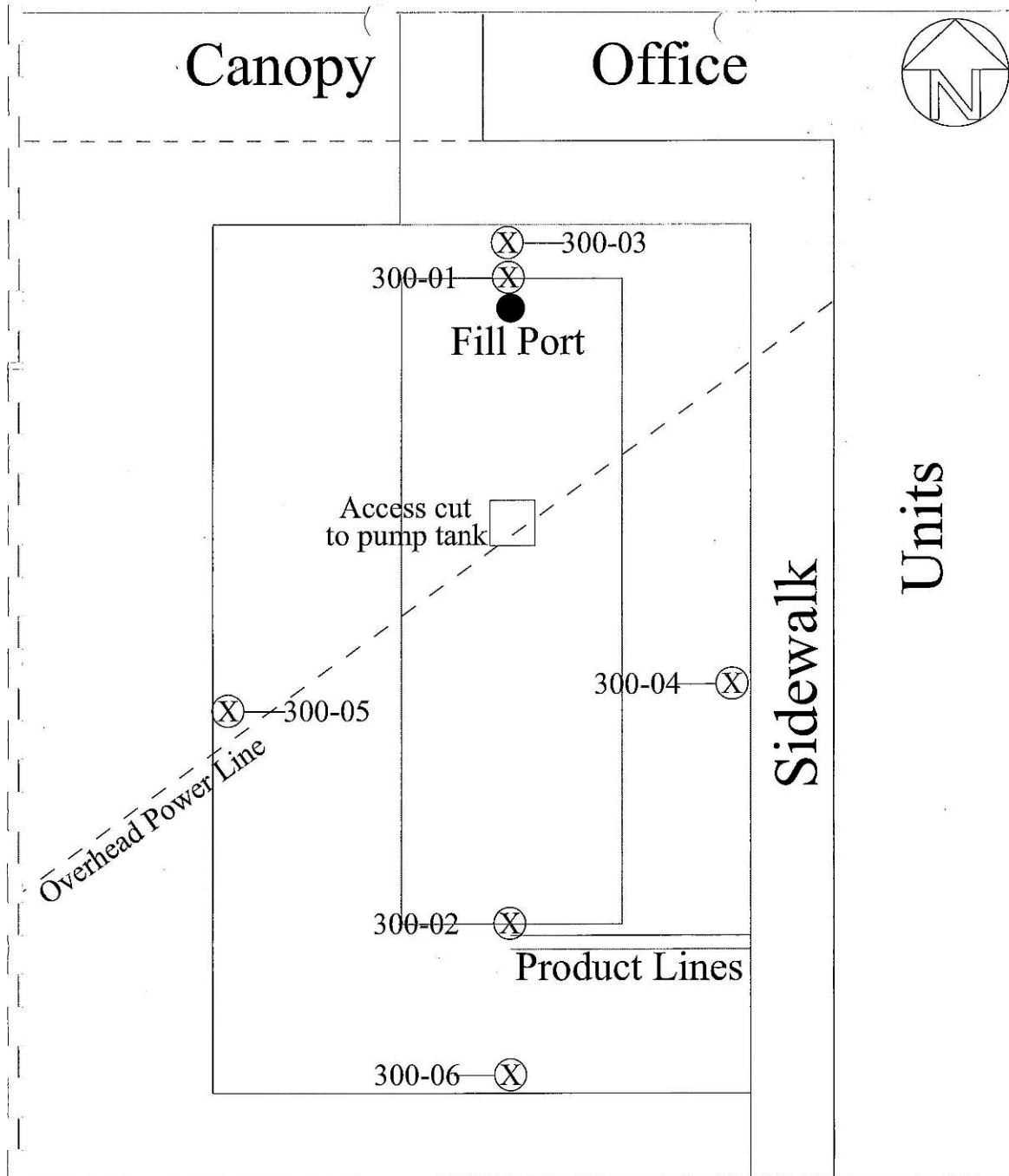


FIGURE 1
Site Location Map
Red Carpet Motor Inn
1608 Fruitvale Blvd.
Yakima, Washington

 Fulcrum Environmental Consulting, Inc.
122 South Third Street
Yakima, Washington 98901
509-574-0839

DRAWN BY: AMP	PROJECT NUMBER: 02-300
DATE: 03/08/2002	FILE NAME: Red Carpet UST Removal

6.2 Site Plan



<p>Legend</p> <p>Sample Locations: ⊗</p> <p>Excavation Site: □</p> <p>Tank Locations: □</p> <p>Scale: NTS</p>	<p>Figure 3</p> <p>Sample Location Map</p>		<p>Fulcrum Environmental Consulting, Inc. 122 South Third Street Yakima, Washington 98901 Phone (509) 574-0839 Fax (509) 575-8453</p>
	<p>Owner/Operator Red Carpet Motor Inn 1608 Fruitvale Blvd. Yakima, Washington</p>		

6.3 Environmental Covenant

WHEN RECORDED RETURN TO:

Parminder Thind dba JT Enterprises, Inc.
203 Panorama Drive
Yakima, WA 98901

RESTRICTIVE COVENANT

Grantor(s): Parminder Thind/JT Enterprises Inc.
Regarding: Red Carpet Motor Inn
Legal Description (abbreviated): PTN OF TRACK 13, LEWIS TERRY GARDEN TRACTS, E-15, AND PTN OF LOT 6 ZERR S SUBDIVISION, I-45.
Assessor's Tax Parcel ID#: 181314-41443, 41444

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Parminder Thind dba JT Enterprises Inc., 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]: "Underground Storage Tank Site Assessment Red Carpet Motor Inn" prepared by Peggy Williamson of Fulcrum Environmental Consulting, Inc.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of diesel range hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-900.


FULCRUM ENVIRONMENTAL COU #35.08 7489210
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The undersigned, Parminder Thind dba JT Enterprises Inc., is the fee owner of real property (hereafter "Property") in the County of Yakima, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in the Yakima County Assessors office as parcels 18131441443 and 18131441444.

Parminder Thind dba JT Enterprises 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.

"A portion of the Property contains diesel range hydrocarbon contaminated soil located approximately nine (9) feet below surface pavement and concrete sidewalks, south of the office and west of the main building, adjacent to the building foundation. The Owner shall not alter, modify, or remove the existing structure or surfacing 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."



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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.

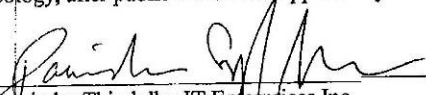
Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property

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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.


Paminder Thind dba JT Enterprises Inc.


01-04-06
Date Signed

ACKNOWLEDGMENT

State of Washington
County of Yakima

On this 4th day of January, 2006, Paminder Thind personally appeared before me, whose identity I verified on the basis of a Washington State Drivers License, to be the signer of the foregoing documents, and he acknowledged that he signed it.




Notary Public
My Commission Expires: 2/17/09

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled Restrictive Covenant, which consists of 4 pages and is dated 12/29/05. If this Certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.



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6.4 Photo log

Photo 1: Former UST Location – from the west



Photo 2: Entrance to Red Carpet Motor Inn – from the west



Photo 3: Office and Former UST Area – from the southwest



Photo 4: Inn Office and Rooms – from the northwest

