



Third Periodic Review

Gailleon Park
Facility/Site ID #: 44832462
Cleanup Site ID #: 2859
101 North 65th Avenue
Yakima, Washington 98902

Prepared by:
Washington State Department of Ecology
Central Region Office
Toxics Cleanup Program

December 2018

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1.0 INTRODUCTION

This document is the Department of Ecology's third periodic review of post-cleanup site conditions and monitoring data to assure that human health and the environment are being protected at the Gailleon Park Senior Center (Site). The cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC). Periodic reviews were completed for this Site in 2008 and 2013. This periodic review will evaluate the period from 2013 through 2018.

Cleanup activities at this Site were completed through the Voluntary Cleanup Program (VCP) under VCP No. CE0144. The cleanup actions resulted in residual concentrations of lead and arsenic that exceed MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). As a result of residual contamination, institutional controls were required for the Site to be eligible for a no further action (NFA) determination. 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;
- (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; 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 Gailleon Park Senior Center Site is located in the City of Yakima, Yakima County, Washington. 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 between 2002 and 2003, a restrictive covenant was recorded for the property and the Site received a No Further Action determination in 2003.

The Site was occupied by a pear orchard during the early to mid 1900s. In 1974, the property was gifted to the City of Yakima. The Site remained vacant and was used as a park until 2000, when the City obtained funding to construct a senior center. The Site is currently occupied by the Yakima Harman Senior Center.

2.2 Cleanup Levels and Point of Compliance

WAC 173-340-704 states that 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 being 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. The MTCA Method A cleanup level for arsenic is 20 ppm and the MTCA Method A cleanup level for lead is 250 ppm.

For soil, the point of compliance is the area where the soil cleanup levels must be attained. For this Site, the point of compliance is established as soils throughout the Site.

2.3 Site Investigations

In 2002, Ecology conducted a soil sampling event at the Site on behalf of the City of Yakima. Analysis of the samples was done with an X-Ray fluorescence meter (XRF). A subset of the samples was sent to an analytical laboratory to validate the XRF results. Soil samples were collected from the upper one foot of the soil profile. Lead was detected up to a maximum concentration of 799 parts per million (ppm), and arsenic was detected up to a maximum concentration of 99 ppm.

2.4 Remedial Activities

Construction plans for the Senior Center proposed to cover the majority of the Site with asphalt parking, concrete walkways, and structures. For this reason, capping was selected as the remedial action for the Site. The selected cleanup plan required that all contaminated soils should be covered with 12 inches of clean soil.

Fill material was imported from the Anderson Pit in Yakima, Washington. A sample of the fill soil was analyzed for lead and arsenic; neither was detected above natural background concentrations. Compacted fill was placed across the Site at a minimum thickness of 12 inches. In some areas, up to 4 feet of clean fill was placed at the Site.

Construction of the Senior Center took place after the Site was capped. Excavation into the soil cap was required to install utilities for the facility. Handling of contaminated soils during excavation followed the Contaminated Soils Management and Inspection Plan, which was created as part of the Project Manual for the Site. Clean fill and contaminated soils were segregated during excavation. All contaminated soils were placed back into utility trenches a minimum of 12 inches below grade. Excess soils that could not be backfilled were transported off-site to an approved landfill.

2.5 Restrictive Covenant

Because contamination was capped on the Site at concentrations exceeding MTCA Method A Cleanup levels, institutional controls were required for the Site to be eligible for a NFA determination. Institutional controls in the form of a restrictive covenant were recorded for the Site in January 2003 and a NFA determination was issued in February 2003. The conditions of the restrictive covenant are available below:

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. The Owner will maintain the Property consistent with a Contaminated Soils Management and Inspection Plan, as may be updated from time to time, that contains the following institutional controls to prevent recontamination from occurring:
 - a) Appropriate ground cover or landscaping shall be maintained by Owner for all unpaved surfaces.
 - b) An Inspection Plan for inspection and maintenance of paved areas and ground cover. The inspection must look for cracks, potholes and other damage to the paved areas. In landscaped areas, patches of dead vegetation or sod must be noted and maintained as necessary. The Owner must implement and follow this plan which must include yearly inspections by Parks and Recreation personnel. Should the Property be conveyed to a third party, Ecology may designate another party to make quarterly inspections.
 - c) A Soil Management Plan implemented by the Owner for properly managing soil brought up by digging activities. Such planned digging activities may include trenching for additional utilities, adding light standards, drilling and other activities.
2. 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.
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) days 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 the continued operation, maintenance and monitoring 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 Remedial Action.
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.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

During the Site visit conducted on December 26, 2018, there were no indications that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by a parking lot, retirement living center and large landscaped lawn.

A photo log is available as Appendix 6.4.

3.1.1 Direct Contact

Exposure pathways to contaminated soils (ingestion, direct contact) continue to be eliminated by the presence of protective Site surfaces including buildings, asphalt and clean soil. Remaining contaminated soil does not pose a threat to human health or the environment through direct contact.

3.1.2 Institutional Controls

Institutional controls in the form of a restrictive covenant were implemented at the Site in 2003. The covenant remains active and discoverable through the Yakima County Auditor's Office. There is no evidence a new instrument has been recorded which 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 surface cover and the remedial action.

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 and residential 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 removal/recycling of hazardous substances as well as containment, 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.
- Soil cleanup levels have not been met at the Site; however, the cleanup action for the Property 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 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 are being satisfactorily 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 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. *Report of Voluntary Remedial Action*. March 2002.

Ecology. *No Further Action Determination Letter*. February 2003.

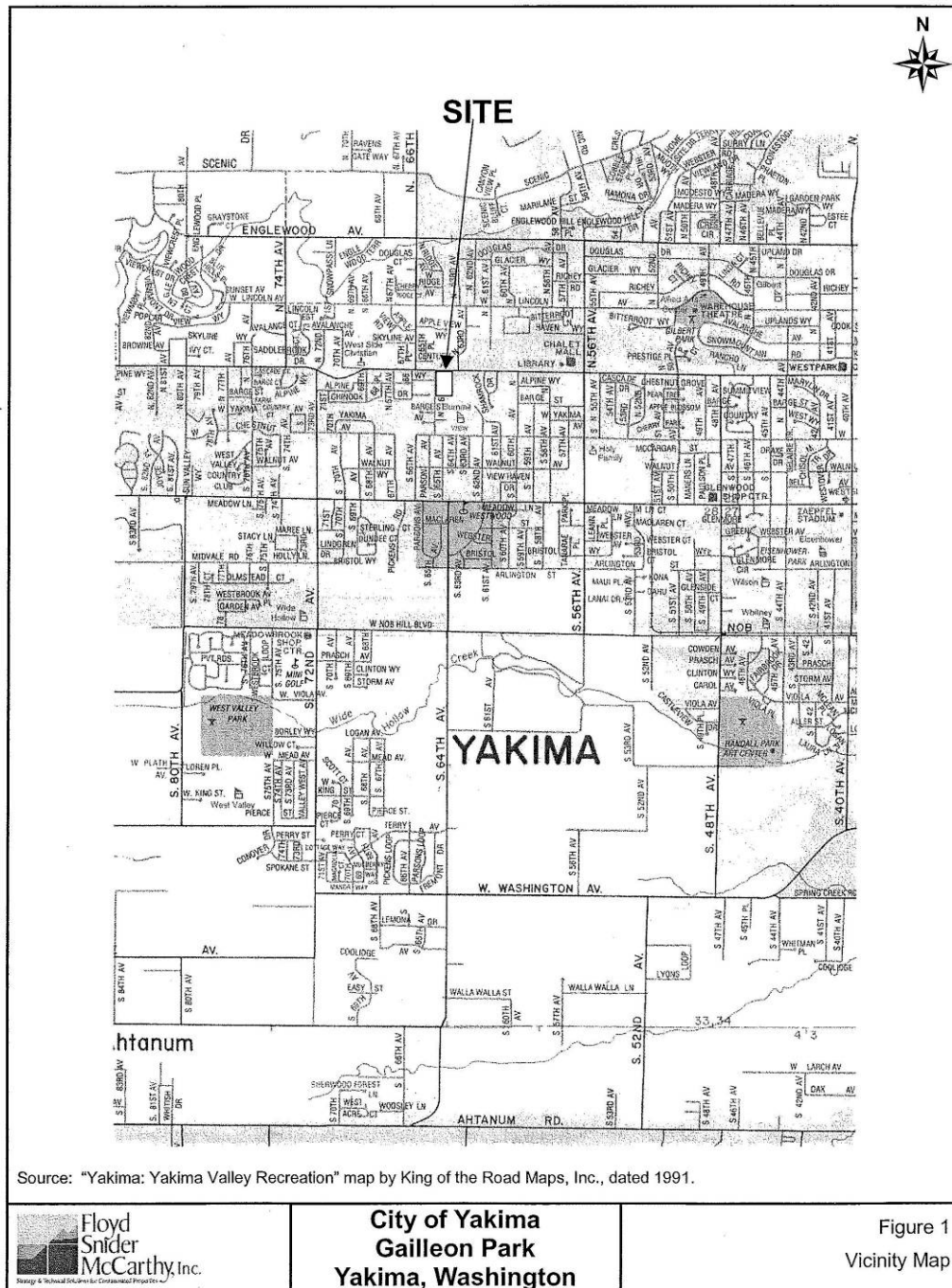
Ecology. *Restrictive Covenant*. January 2003.

Ecology. *Periodic Review*. September 2008.

Ecology. *Site Visit*. October 25, 2013

6.0 APPENDICES

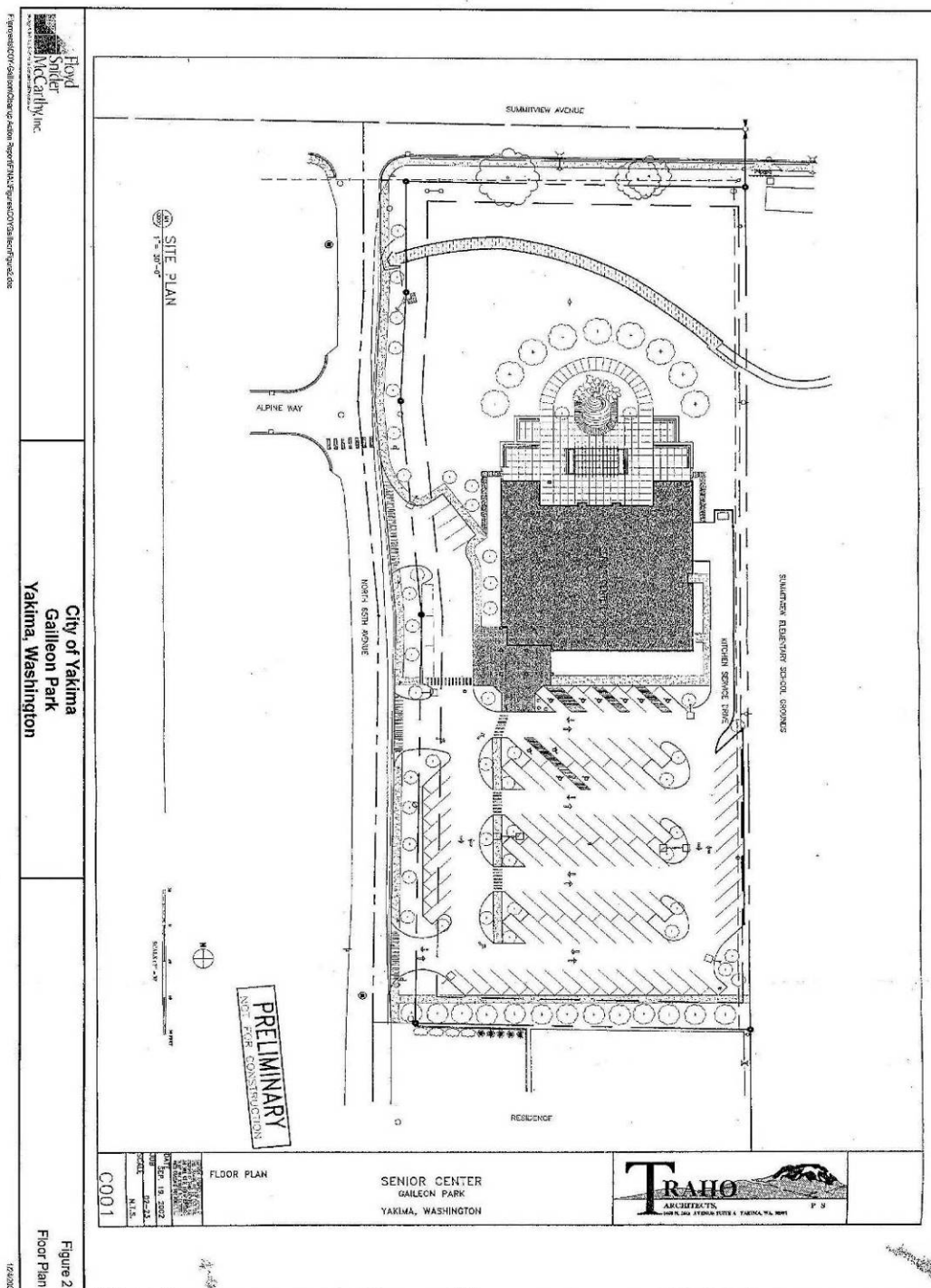
6.1 Vicinity Map



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1/24/2003

6.2 Site Map



6.3 Environmental Covenant



WHEN RECORDED RETURN TO:

City of Yakima Clerks Office
129 North Second Street
Yakima, WA 98901

RESTRICTIVE COVENANT

Grantor: CITY OF YAKIMA, WASHINGTON

Grantee: WASHINGTON DEPARTMENT OF ECOLOGY

Legal Description: Beginning at the NE corner of the NE quarter of the SE quarter of S 20, T 13 N, R 18, E. WM; thence S along the E line of said subdivision 695.5 feet;

Full legal description shown in Exhibit A.

Assessor's Property Tax Parcel Account Number(s):
181329-41001



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Yakima Co, WA

RESTRICTIVE COVENANT

City of Yakima, Gailleon Park

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by the City of Yakima, Washington, and its successors and assigns (hereinafter the "City"), and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

Remedial action occurred at the property that is the subject of this Restrictive Covenant (hereinafter the "Remedial Action"). The Remedial Action conducted at the property is described in a Cleanup Action Report and associated materials (hereinafter "Remedial Action Documents"). These documents are on file at Ecology's Central Regional Office in Yakima, Washington.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of lead and arsenic which exceed the Model Toxics Control Act Method A Residential Cleanup Levels for soil established under WAC 173-340-740(2). The contaminated soil is contained on-site underneath a minimum of 12 inches of non-contaminated soil covered by pavement or other ground cover.

The undersigned, City of Yakima, 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 Exhibit A (legal description) and shown on Exhibit B (grading plan) of this Restrictive Covenant, both of which exhibits are made a part hereof by this reference. The Property is located near the intersection of N. 65th Ave. and Summitview Ave. in Yakima, WA.

The City 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 (hereinafter the "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. The Owner will maintain the Property consistent with a Contaminated Soils Management and Inspection Plan, as may be updated from time to time, that contains the following institutional controls to prevent recontamination from occurring:



a) Appropriate ground cover or landscaping shall be maintained by Owner for all unpaved surfaces.

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c) A Soil Management Plan implemented by the Owner for properly managing soil brought up by digging activities. Such planned digging activities may include trenching for additional utilities, adding light standards, drilling and other activities.

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) days 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 the continued operation, maintenance and monitoring 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.

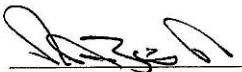
Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

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.

CITY OF YAKIMA

By: 
Its City Manager, R.A. Zais, Jr.

Dated: 1-08-2003

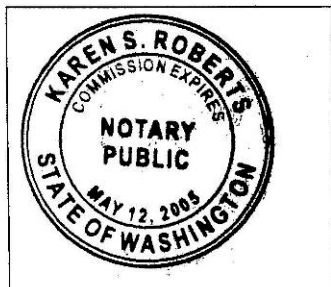
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STATE OF WASHINGTON)
) ss.
COUNTY OF YAKIMA)

I certify that I know or have satisfactory evidence that R. A. Zais, Jr.
is the person who appeared before me, and said person acknowledged that s/he signed this
instrument, on oath stated that s/he was authorized to execute the instrument and
acknowledged it to as the City Manager of the CITY OF YAKIMA to be the free
and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: January 8, 2003



(Use this space for notarial stamp/seal)

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Karen S Roberts
Notary Public
Print Name Karen S. Roberts
My commission expires 5-12-2005



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Yakima Co, WA

EXHIBIT A
LEGAL DESCRIPTION

The following premises situated in the City of Yakima, County of Yakima, State of Washington, described as follows:

Beginning at the Northeast corner of the Northeast quarter of the Southeast quarter of Section 20, Township 13 North, Range 18, E.W.M.; thence South along the East line of said subdivision 695.5 feet; thence North $88^{\circ} 45'$ West 330 feet, more or less, to the right-of-way of the Yakima Valley Canal; thence Northerly and Easterly along said right-of-way to a point on the South line of said right-of-way 300 feet West of the East line of said subdivision; thence North and crossing said canal, a distance of 130 feet, more or less, to the North line of said subdivision at appoint 300 feet West of the Northeast corner of said subdivision; thence East along the North line of said subdivision to the point of beginning,
Except the North 45 feet for County Road,
Except right-of-way for County Road 60 feet in width as conveyed by instrument recorded in Volume 902 of Official Records of Yakima County, Washington, Auditor's File No.2338437,
and
Except right-of-way for Yakima Valley Canal.



6.4 Photo log

Photo 1: Parking Lot - from the southeast



Photo 2: North Side of Building with Covered Irrigation Canal - from the northwest



Photo 3: Landscaped Area North of Building - from the northwest



Photo 4: South Side of Building – from the north

