



PERIODIC REVIEW

**Chandler House Site
F/SID #: 37448244**

**701 North 39th Avenue
Yakima, Washington 98902**

Central Region Office

TOXICS CLEANUP PROGRAM

June 30, 2008

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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 Chandler House property (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of lead, arsenic and dichlorodiphenyltrichloroethane (DDT) exceeding MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). WAC 173-340-420 (1) requires that "if the department selects or approves a cleanup action that results in hazardous substances remaining at a site at concentrations which exceed Method A or Method B cleanup levels established under WAC 173-340-700 through 173-340-760 or if conditional points of compliance have been established, the department shall review the cleanup action no less frequently than every five years after the initiation of such cleanup action to ensure that human health and the environment are being protected."

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(2)]:

- (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 Chandler House Site is located in the City of Yakima, Yakima County, Washington. A site plan is available as Appendix 6.1. Following remedial activities that took place between 1997 and 1998, a restrictive covenant (Appendix 6.2) was recorded for the property and the Site received a No Further Action determination.

In 1996, Fulcrum Environmental Consulting, Inc. conducted a Phase I Site Assessment (ESA) of Lot 7, Professional View West, in Yakima, Washington. The Site was being considered for construction of senior care center. It was determined that the Site had operated as an orchard for approximately 40 years, and was likely to contain residual pesticide contamination. Thirty-one samples were collected from the site and analyzed for lead, arsenic and DDT. Arsenic concentrations ranged from 21.1 parts per million (ppm) to 177 ppm, lead concentrations ranged from 142 ppm to 1440 ppm, and DDT concentrations ranged from 1.85 ppm to 20.8 ppm.

It was determined that on-site management of impacted soil would be the most appropriate remedial action. This option was selected because the contamination was widespread across the site, and off-site disposal would have been cost prohibitive. On-site management consisted primarily of using contaminated soils for fill material. In addition, material was contained under barriers such as asphalt pavement, concrete building slab, concrete sidewalk, and soil/vegetative cover.

In February 2000, a restrictive covenant was recorded for the Site and a No Further Action letter was sent to the property owner and the site status was changed to reflect a No Further Action determination.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

Clean soil, asphalt, and building structures continue to serve as a cap for the site and eliminate the human exposure pathways (ingestion, contact) to contaminated soils. Based upon the site visit conducted on May 23, 2008, no repair, maintenance, or contingency actions have been required. A photo log is available as Appendix 6.3.

The Restrictive Covenant for the Site was recorded and is in place. Appendix 6.2 is a copy of the Restrictive Covenant for the Site. 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 cap.

Conclusions:

Soils with arsenic, lead, and DDT concentrations higher than MTCA Method A cleanup levels are still present at the Site. However, the cap prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the integrity of the caps will be protected through maintaining the current use of the Site.

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 is protective of human health and the environment.
- Soils 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 containment system is ensured and the requirements for containment technologies in WAC 173-340-360(8) 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 have been satisfactorily completed. 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 cap is maintained.

5.0 REFERENCES

Fulcrum Environmental Consulting, Inc., July 1999, Report of Voluntary Remedial Action

Ecology, 2000, No Further Action Letter

Ecology, 2000, Restrictive Covenant

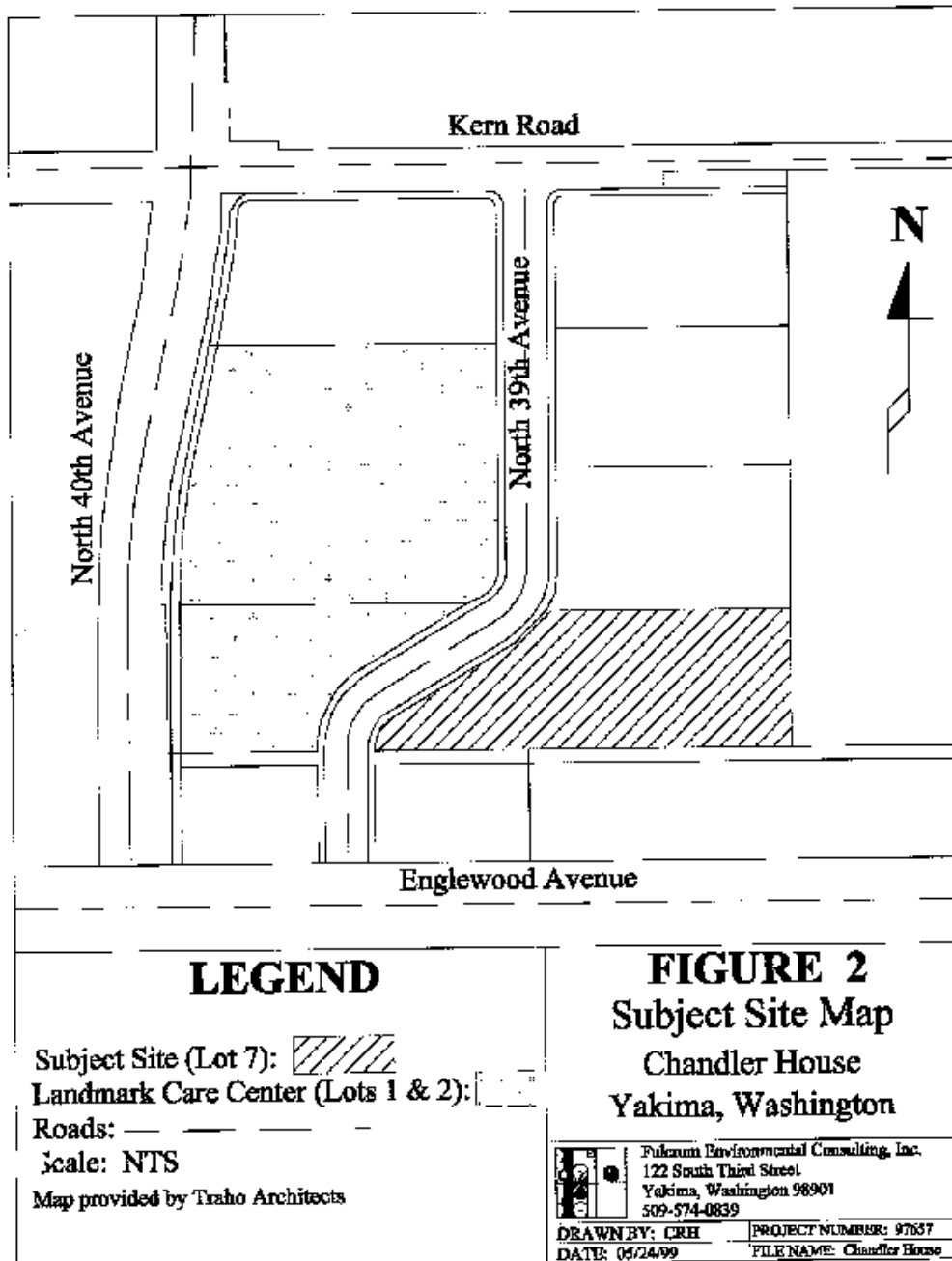
Ecology, 2008, Site Visit

6.0 APPENDICIES

6.1 Vicinity Map



6.2 Site Map



6.3 Environmental Covenant

RETURN ADDRESS: Fidelity Title Company 404 North Second Street Yakima, WA 98901	
Please print or type information	
Document Title(s) for records to be indexed (including this one) <i>Printed for</i> 1. RESTRICTIVE COVENANT 2.	
Reference Number(s) of Documents assigned or released: (see page of document(s))	
Grantor(s) (Last name first, then first name and initials) 1. FAKHERI, LIL 2. 3. 4. <input type="checkbox"/> Additional names on page of document	
Grantee(s) (Last name first, then first name and initials) 1. FAKHERI, LIL 2. 3. 4. <input type="checkbox"/> Additional names on page of document	
Legal description (abbreviated: i.e. lot, block, plat or describe, including, range) Lot 7 of Professional View West Plat, recorded under A043119283	
<input type="checkbox"/> Additional legal on page of document	
Assessor's Property Tax Parcel/Account Number 001315-43464	
<input type="checkbox"/> Additional legal on page of document	
<input type="checkbox"/> This is a non-standard document recording. I am requesting an emergency recording recording for an additional fee as provided in RCW 55.08.010. I understand that this expedite processing requirement may cover up or otherwise eliminate some part of the rest of the original document.	
Signature _____ The Assessor/Recorder will rely on the information provided on this form. The assessor will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

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RESTRICTIVE COVENANT
TANDRE LLC (CHANDLER HOUSE)

This Declaration of Restrictive Covenant is made pursuant to RCW 7B 150.010 (1) (f) and (g) and WAC 173-340-440 by Tandre LLC, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following document: Report of Voluntary Remedial Action prepared by Peggy Williamson of Fuquim Environmental Consulting, Inc. This document is on file at Ecology's Central Regional Office.

This Restrictive Covenant is required by WAC 173-340-440 because the Remedial Action resulted in residual concentrations of Arsenic, Lead, and dichlorodiphenyltrichloroethane (DDT) which exceed the Model Toxics Control Act Method A unrestricted use levels for soil established under WAC 173-340-740. Accordingly, certain engineering controls have been put in place on the Property to deal with such soil.

The undersigned, Tandre LLC, 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 as follows:

Lot 7 of the Professional View West Plat, according to the Plat thereof recorded December 19, 1995, under Yakima County Assessor's file No. 3119281 located in Yakima, Washington.

Tandre LLC makes the following declaration as to functions, 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 an interest in the Property (hereafter "Owner").

1. The Property contains Arsenic, Lead, and DDT concentrations in soil located under impervious surfaces such as Building A and B and associated asphalt areas, or under soil and 6" of clean topsoil in permeable surface areas such as landscaped areas. The Owner shall not alter, modify, or remove the existing structure or clean topsoil barrier in any manner that may result in the release or exposure to the environment of soil containing Arsenic, Lead, DDT, 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 soil containing Arsenic, Lead, DDT, that was contained as part of the Remedial Action, or create a new exposure pathway, is prohibited. Some examples of activities that are prohibited on this site 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 greater than 6" with a rod, spike, or similar item; bulldozing or earthwork.

Tandre, LLC Restrictive Covenant

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3. 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.
4. 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 creates a new exposure pathway, is prohibited without prior written approval from Ecology.
5. 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, operations, and maintenance of the Remedial Action.
6. The Owner must restrict leases to, use and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property. This provision shall not require notification of residents of individual lots or suites within the Property while being used essentially in its present fashion.
7. 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.
8. 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 on the property, and to inspect records that are related to the Remedial Action.
9. The Owner of the Property reserves the right under WAC 172-340-440 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, finds it appropriate to do so.

Executed this 29th day of February, 2000

TANDRE LLC

By: [Signature]
H. MONTAG HUNT
Manager

Chandler House - Restrictive Covenant



STATE OF WASHINGTON
COUNTY OF YAKIMA

On this day personally appeared before me H. Norman Hysell, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his true and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 22nd day of February, 2008.



John R. Corning
Notary Public in and for the
State of Washington
Residing at Yakima
My appointment expires 6/22/10



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6.4 Photo log

Photo 1: Front of facility - from the northwest



Photo 2: Parking Area - from the west



Photo 3: Front entrance - from the southeast



Photo 4: Resident yard - from west

