Periodic Review
Cheney Super Stop Lots 8 & 9

223 W 2nd Street, Cheney, Spokane County
Facility Site ID: 63162186, Cleanup Site ID: 674

Toxics Cleanup Program, Eastern Region

Washington State Department of Ecology
Spokane, Washington

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Document Information

This document is available on the Department of Ecology's Cheney Super Stop Lots 8 & 9 cleanup site page.[1]

Related Information

- Facility Site ID: 63162186
- Cleanup Site ID: 674

Contact Information

Toxics Cleanup Program[2]

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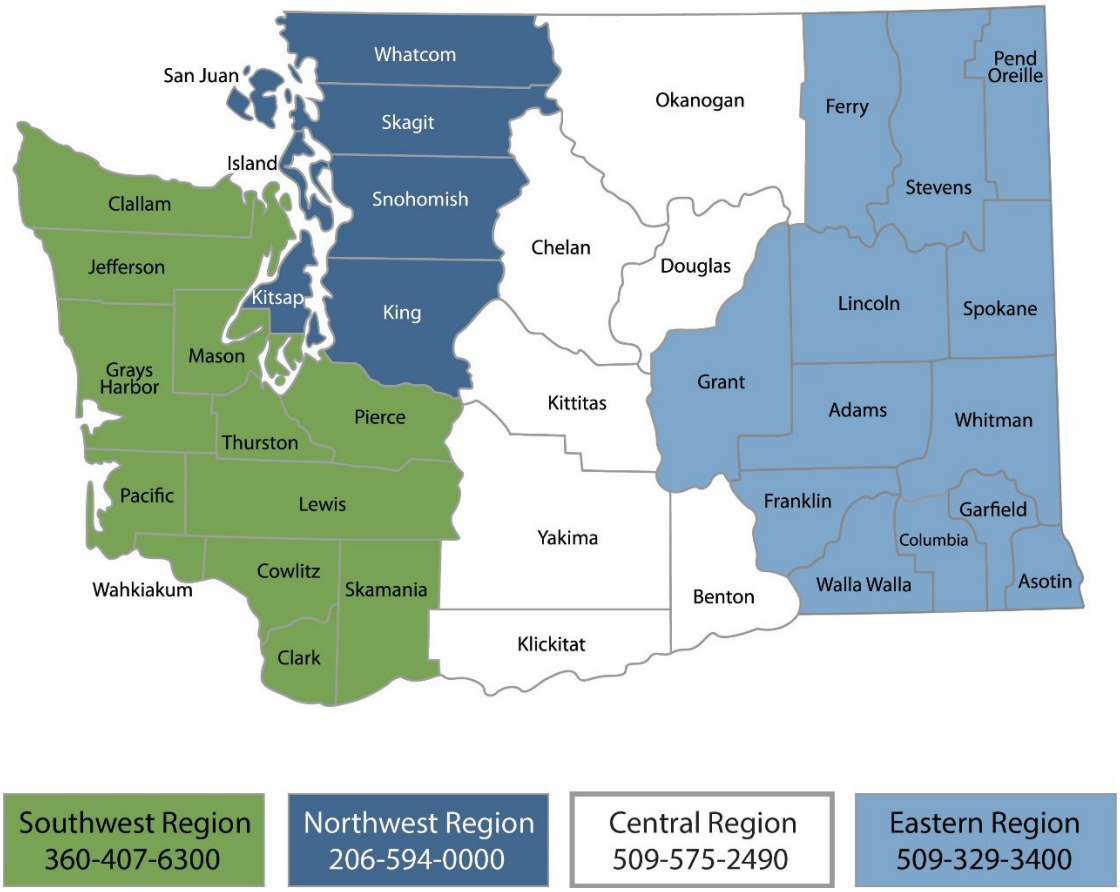
[1] https://apps.ecology.wa.gov/cleanupsearch/site/674
[2] https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup
[3] https://ecology.wa.gov/ADA

Department of Ecology's Region Offices

Map of Counties Served



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 47600 Olympia, WA 98504	360-407-6000

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Introduction

The Washington Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health and the environment are being protected at the Cheney Super Stop Lots 8 & 9 cleanup site (Site). Site cleanup was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the first periodic review conducted for this Site.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). Residual concentrations of petroleum hydrocarbons in soil that exceeded MTCA cleanup levels remain on the property. The MTCA cleanup levels for air, soil, sediment, surface water, and groundwater are established under WAC 173-340-750,[4] WAC 173-340-740,[5] WAC 173-340-760,[6] WAC 173-340-730,[7] and WAC 173-340-720,[8] respectively.

Ecology determined institutional controls in the form of an environmental covenant would be required as part of the cleanup action for the Site. WAC 173-340-420(2)[9] requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because the department issued a no further action opinion, and institutional controls were required as part of the cleanup action.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (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 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 and resource uses

e) The availability and practicability of more permanent remedies

f) The availability of improved analytical techniques to evaluate compliance with cleanup levels

[4] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-750
[5] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740
[6] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-760
[7] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-730
[8] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720
[9] https://app.leg.wa.gov/wac/default.aspx?cite=173-340-420

Summary of Site Conditions

Site description and history

The Site is approximately 0.97 acres in Spokane County tax parcel 13133.2211, bounded on the north by W 2nd Street, on the east by K Street, on the south by W 1st Street, and on the west by L Street.

The Site was used as an automotive service and fueling station from approximately 1940 until 1951. During this time, the Site contained several petroleum storage tanks, both above-ground storage tanks (ASTs) and underground storage tanks (USTs), as well as a pump island for dispensing fuel.

The City of Cheney purchased the Site in 1951 and used it as a vehicle maintenance facility until the 1970s. In 1974, the ASTs and one UST were removed, and the shop building was demolished.

The Site remained vacant and was used for parking until it was redeveloped into a multi-family housing complex in 2019. The Site currently contains two buildings with three levels each. Building A is approximately 9,771 square feet and contains 18 housing units, and Building B is approximately 13,020 square feet and contains 24 housing units. The remainder of the Site is paved parking areas and landscaped stormwater infiltration swales. The Spokane Transit Authority (STA) K Street Station is directly northeast of the Site on the same city block.

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

Site Investigations

In September 1998, Landau Associates, Inc. conducted a Phase I Environmental Site Assessment (ESA) on Lots 4 through 9, which include the Site and adjacent property to the east (Spokane County tax parcel 13133.2209), in anticipation of transferring the property from the City of Cheney to STA for development of a park and ride facility. The Phase I ESA included six test pits excavated to between 6 and 9 feet below ground surface (bgs) near the known UST location, pump island, former UST location, and former station building footprint. One test pit uncovered the former UST system piping and petroleum sheen and odor in soil and shallow groundwater between 7.5 and 9 feet bgs. Ten soil samples were collected from the test pits, with 3 samples submitted for analysis for total petroleum hydrocarbons (TPH) including gasoline-, diesel-, and oil-range petroleum hydrocarbons (GRPH, DRPH, and ORPH), volatile organic compounds (VOCs), and heavy metals. GRPH, xylenes, and toluene were detected in two test pits below MTCA Method A cleanup levels. DRPH and ORPH were detected in two test pits and exceeded MTCA Method A cleanup levels in one test pit at 1,510 and 6,880 milligrams per kilogram (mg/kg).

In April 1999, Budinger & Associates, Inc. advanced 40 soil borings throughout Lots 4 through 9 to define the extent of petroleum contamination. Several of the borings met refusal at bedrock between 8 to 10 feet bgs, while others were advanced to 12 or 15 feet bgs. Soil samples were

collected between 4 to 6, 6 to 8, and 8 to 10 feet bgs and analyzed for TPH, and select samples were also analyzed for VOCs, heavy metals, and polychlorinated biphenyls (PCBs).

The results indicated GRPH and ORPH concentrations exceeded MTCA Method A cleanup levels. There were also detections of multiple VOCs including ethylbenzene, toluene, and xylenes, and detections of arsenic, barium, cadmium, chromium, lead, selenium, silver, and mercury. PCBs were not detected in any samples.

A groundwater sample was collected from Boring 17 and analyzed for TPH, VOCs, and heavy metals, with GRPH and benzene exceeding the MTCA Method A cleanup levels of 800 and 5 micrograms per liter (µg/l), respectively. Boring 32 encountered saturated soils, with a 2- to 3-inch layer of non-aqueous phase liquid (NAPL, also known as free product) measured on the shallow groundwater surface. Analytical results indicated the NAPL was ORPH. Subsequent excavation in the area of Boring 32 encountered two abandoned USTs and associated piping. More detail regarding the remedial excavation and UST removal is provided in the "Cleanup actions" section below. Soils samples from the excavation exceeded MTCA Method A cleanup levels for GRPH, DRPH, and ORPH.

Cleanup actions

From May to June 1999, two remedial excavations were conducted around Borings 17 and 32. The excavation near Boring 17 (East Excavation) removed contaminated soil from Lots 4, 5, 6, and 7. A monitoring and remediation system, including a horizontal collection pipe and sump, were installed in the East Excavation for groundwater monitoring, removal, and potential treatment. The excavation was backfilled with clean material and paved. Ecology issued a no further action (NFA) letter after an Initial Investigation for Lots 4, 5, 6 and 7 in January 2000. STA redeveloped the lots into a park and ride facility with a combination of paved and landscaped surfaces, a utility building, and a covered bus stop.

The excavation near Boring 32 (North Excavation) encountered piping at approximately 2 feet bgs that appeared to contain gasoline. The pipe continued west where two abandoned 500-gallon USTs were discovered. Both USTs were approximately half full of water and petroleum and were corroded. The surrounding soils were discolored and were observed to have a petroleum sheen and odor. The USTs were purged and removed along with the piping, and sorbents were used to remove a thin layer of NAPL from groundwater exposed in the excavation. Approximately 506 tons of soil were excavated from Lots 4 through 9 and disposed at the Waste Management Graham Road Facility in Medical Lake, WA.

Following the remedial excavations, concentrations of GRPH, DRPH, and ORPH in soil on Lots 8 and 9 continued to exceed MTCA Method A cleanup levels to the west and south. Two horizontal collection pipes with sumps were installed and the excavations were backfilled with clean material. Following performance monitoring described in the following section, the residual contaminated soil within Lots 8 and 9 was capped with clean soil and an asphalt parking lot. Landscaped stormwater drainage swales are located south and east of the capped

soil. Institutional controls were filed with Spokane County on May 21, 2019, and the Site received an NFA from Ecology on August 21, 2019.

Cleanup performance monitoring

Four groundwater monitoring wells (MW-44, MW-45, MW-48, and MW-53) were installed at the Site in May 1999, along with the collection pipes in the North and East Excavations. Groundwater samples were collected from all wells and analyzed for TPH, VOCs, and metals, with concentrations of GRPH, DRPH, ORPH, and benzene exceeding MTCA Method A groundwater cleanup levels.

Groundwater sampling was discontinued until two sampling events in 2014 and quarterly sampling in 2015. These groundwater samples were analyzed for TPH, VOCs, metals, and select samples were analyzed for PCBs and polycyclic aromatic hydrocarbons (PAHs). Results indicated concentrations of DRPH in the East Excavation, arsenic in MW-44, and lead in MW-53 exceeding MTCA Method A cleanup levels. PCBs and PAHs were not detected in any sample. The groundwater samples appeared to have high turbidity and were filtered in the laboratory during the October 2014 sampling event. Concentrations of arsenic in MW-44 were reduced by an order of magnitude when filtered, to concentrations either below the MTCA Method A cleanup level or below the laboratory method detection limit. Subsequent unfiltered groundwater samples did not exceed the arsenic cleanup level.

Groundwater samples were collected from MW-53 and the East Excavation in September 2017. All analytes were below the laboratory method detection limits except barium, which was below the MTCA Method B cleanup level and the Environmental Protection Agency's Maximum Contaminant Level.

Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site. WAC 173-340-704[10] 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 being used. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

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. Please note that the

[10] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704

groundwater cleanup level for GRPH was adjusted from 1,000 µg/L to 800 µg/L based on the presence of benzene in groundwater. Table 1 contains MTCA cleanup levels for the Site.

Table 1. MTCA soil and groundwater cleanup levels

Contaminant	Soil cleanup level (mg/kg)	Groundwater cleanup level (µg/L)
Arsenic	20	5
Benzene	0.03	5
Lead	250	15
Gasoline-range petroleum hydrocarbons	100	800
Diesel- and oil-range petroleum hydrocarbons	2000	500

mg/kg = milligrams per kilogram
µg/L = micrograms per liter
MTCA = Model Toxics Control Act

The point of compliance is the area where the cleanup levels must 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 (standard point of compliance).

For groundwater, the point of compliance is throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site. This is the standard point of compliance.

Environmental Covenant

Ecology determined institutional controls would be required as part of the cleanup action to document the remaining contamination, protect the cleanup action, and protect human health and the environment. On May 21, 2019, institutional controls in the form of an environmental covenant.[11] (Covenant) were recorded for the Site.

The Covenant imposes the following limitations:

1. **Interference with Remedial Action**. The Grantor shall not engage in any activity on the Property that may impact or interfere with the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from Ecology.
2. **Protection of Human Health and the Environment**. The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not

[11] https://apps.ecology.wa.gov/cleanupsearch/document/82999

limited to, any activity that results in the release of residual contamination that was contained as a part of the remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Property.

3. **Continued Compliance Required. Grantor shall not convey any interest in any portion** of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.

4. **Leases. Grantor shall restrict any lease for any portion of the Property to uses and** activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.

5. **Preservation of Reference Monuments.** Grantor shall make a good faith effort to preserve any reference monuments and boundary markers used to define the areal extent of coverage of this Covenant. Should a monument or marker be damaged or destroyed, Grantor shall have it replaced by a licensed professional surveyor within 30 days of discovery of the damage or destruction.

6. **Containment of Soil/Waste Materials.**

   The remedial action for the Property is based on containing contaminated soil under a cap consisting of asphalt and landscaping located in the Area of Concern as illustrated in Exhibit B. The primary purpose of this cap is to prevent exposure to contaminated soil and limit stormwater infiltration. As such, the following restrictions shall apply within the Area of Concern illustrated in Exhibit B:

   Any activity on the Property except those approved by Ecology that will compromise the integrity of the cap including: drilling; digging; piercing the cap with sampling device, post, stake or similar device; grading; excavation; installation of underground utilities; removal of the cap; or, application of loads in excess of the cap load bearing capacity, is prohibited without prior written approval by Ecology. The Grantor shall report to Ecology within forty-eight (48) hours of the discovery of any damage to the cap. As specified in the attached Maintenance and Repair Plan (Exhibit C), the Grantor shall promptly repair the damage and submit a report documenting this work to Ecology within thirty (30) days of completing the repairs.

   The Grantor covenants and agrees that it shall annually, or at another time as approved in writing by Ecology, inspect the cap and report within thirty (30) days of the inspection the condition of the cap and any changes to the cap that would impair its performance.

7. **Stormwater facilities.**

   To minimize the potential for mobilization of contaminants remaining in the soil on the Property, no stormwater infiltration facilities or ponds shall be constructed within the area of the Property illustrated in Exhibit B (Area of Concern). All stormwater catch basins, conveyance systems, and other appurtenances located within this area shall be of water-tight construction.

8. The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.

9. The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.

10. No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

11. **Conveyance of Any Interest. T**he Grantor, when conveying any interest within the area of the property described and illustrated in exhibit B, including but not limited to title, easement, leases, and security or other interests, must:

i. Provide written notice to Ecology of the intended conveyance at least thirty (30) days in advance of the conveyance.

ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON _____ AND RECORDED WITH THE SPOKANE COUNTY AUDITOR UNDER RECORDING NUMBER _____. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.

iii. Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

12. **Reporting Violations.** Should the Grantor become aware of any violation of this Covenant, Grantor shall promptly report such violation in writing to Ecology.

13. **Emergencies.** For any emergency or significant change in site conditions due to Acts of Nature (for example, flood or fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor must notify Ecology in writing of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

14. **Notification procedure.** Any required written notice, approval, reporting or other communication shall be personally delivered or sent by first class mail to the following persons. Any change in this contact information shall be submitted in writing to all parties to this Covenant. Upon mutual agreement of the parties to this Covenant, an alternative to personal delivery or first class mail, such as e-mail or other electronic means, may be used for these communications.

Periodic Review

Effectiveness of completed cleanup actions

During the Site visit Ecology conducted on October 11, 2024, the asphalt cap appeared to be in satisfactory condition and continues to provide a barrier to residual contamination, which prevents direct human or animal contact or stormwater infiltration. The Site is operating as a multifamily housing complex. A photo log is in Appendix C.

Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil at the Site. Exposure pathways to contaminated soils by ingestion and direct contact were reduced by excavating saturated soils, removing NAPL, and installing a low-permeability asphalt cap over the remaining contaminated soil. The cap appears to be in satisfactory condition, and no repair, maintenance, or contingency actions are required at this time.

Protection of groundwater

Soils with GRPH, DRPH, and ORPH concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, most of the contaminated soil source material has been removed. The low permeability asphalt cap installed over the residual contamination limits stormwater infiltration through contaminated soil and protects shallow groundwater.

Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 2019. The Covenant remains active and discoverable through the Spokane County Assessor's Office. Ecology found 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 action and prohibits any use of the property that is inconsistent with the Covenant, unless approved by Ecology in advance. This Covenant ensures the long-term integrity of the cleanup action will be protected.

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

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

Current and projected Site and resource uses

The Site is used for residential purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the cleanup action.

Availability and practicability of more permanent remedies

The remedy implemented included containing hazardous substances, and it continues to be protective of human health and the environment. While more permanent remedies 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 cleanup action were capable of detection below the selected MTCA 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 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 is effective in protecting human health and the environment from exposure to hazardous substances and the integrity of the cleanup action.

Based on this periodic review, Ecology has determined the requirements of the Covenant are being followed. No additional cleanup actions are required by the property owner at this time. The property owner is responsible for continuing to inspect the Site to ensure the integrity of the cleanup action is maintained.

Next review

Ecology will schedule the next review for the Site 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 after those activities are completed.

References

Ecology. Site visit. October 11, 2024

Ecology. Environmental Covenant 6806796. May 21, 2019.

Ecology. No Further Action Determination: Cheney Super Stop Lots 8 & 9. August 21, 2019.

Budinger & Associates, Inc. September 2017 Monitoring Results. October 17, 2017.

Budinger & Associates, Inc. Quarterly Groundwater Sampling: Cheney Super Stop Lots 8 & 9. January 4, 2016.

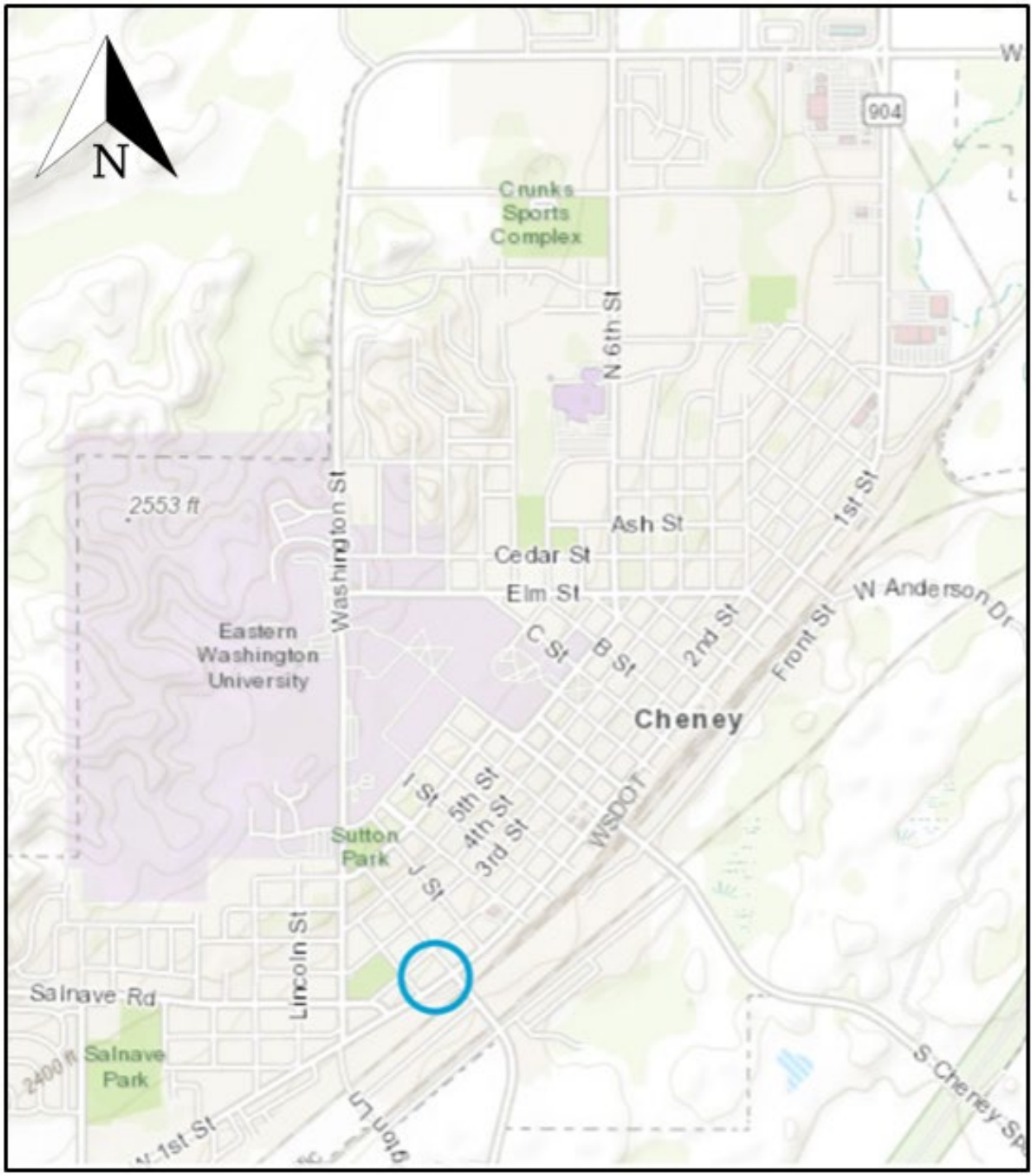
Budinger & Associates, Inc. Groundwater Monitoring Results. January 6, 2015.

Budinger & Associates, Inc. Results of Subsurface Exploration and Chemical Analysis: Cheney Superstop. November 4, 1999.

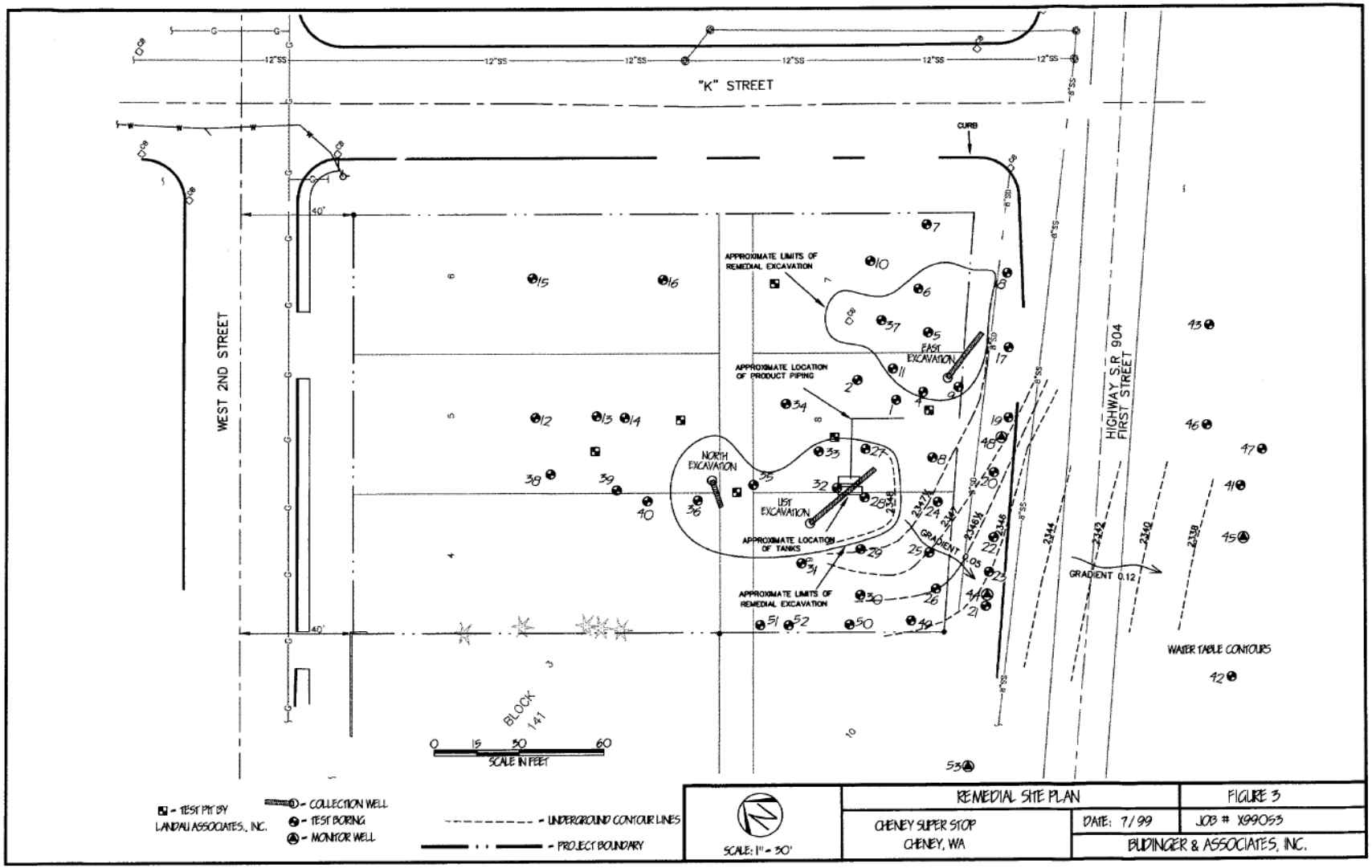
Budinger & Associates, Inc. Results of Subsurface Exploration and Chemical Analysis: Cheney Superstop. April 29, 1999.

Landau Associates, Inc. Draft Phase I Environmental Site Assessment: NW Corner of K and W 1st Street. November 11, 1998.

Appendix A. Vicinity Map



Appendix B. Site Plan



Appendix C. Photo Log

Photo 1: Building A and capped parking area — from the southeast

Photo 2: Landscaped drainage swale and capped parking area — from the east

Photo 3: Park and ride lot and capped parking area — from the northwest

Photo 4: Landscaped and paved surfaces between Building A (right) and Building B (left) — from the southwest