



PERIODIC REVIEW

**Ron's Food Mart
F/SID # 9524655**

**19th Avenue and South Washington Avenue
Kennewick, Washington 99336**

Central Region Office

TOXICS CLEANUP PROGRAM

June 23, 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 former Ron's Food Mart Site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 Washington Administrative Code (WAC).

Cleanup actions at this Site were completed under the Voluntary Cleanup Program. The cleanup actions resulted in residual concentrations of gasoline range petroleum hydrocarbons 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 former Ron's Food Mart Site is located in the City of Kennewick, Benton County, Washington (Appendix 6.1). Following a tank closure in 1998, a restrictive covenant (Appendix 6.2) was recorded for the property and the Site received a No Further Action determination.

During excavation for a dispenser footing in 1992, suspected petroleum contaminated soils were encountered at the Site. White Shield, Inc. (WSI) performed a limited site assessment at that time and confirmed the presence of gasoline range petroleum hydrocarbons (TPH-G) at concentrations exceeding MTCA Method A cleanup levels. Major Petroleum Service Co. removed approximately five yards of contaminated soils from the excavation.

In 1998, one 10,000-gallon underground storage tank (UST) and two 5,000-gallon USTs were removed and decommissioned from the Site. The USTs were removed from a single excavation measure 23' in length, 42' in width, and 13' deep. Confirmation samples collected from the limits of the excavation confirmed the presence of TPH-G on the south sidewall at a concentration of 790 parts per million (ppm). Samples collected from the bottom of the excavation did not contain TPH-G concentrations exceeding MTCA Method A cleanup levels.

Due to the close proximity of the south sidewall of the excavation to municipal underground utilities, further excavation was not feasible and was not performed. Following backfill of the excavation with clean soil, the Site was capped with asphalt.

After entering the Voluntary Cleanup Program in 1998, a restrictive covenant was recorded for the property on July 8, 1998. Following a file review in April 2000, the site status was changed to reflect a No Further Action determination.

3.0 PERIODIC REVIEW

3.1 Effectiveness of completed cleanup actions

The excavation conducted during the interim action eliminated the human exposure pathways (ingestion, contact) to highly contaminated soils and to the free product. The asphalt cap on the Site continues to prevent direct contact with the contaminated soils. Based upon the site visit conducted on May 6, 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 TPH concentrations higher than the 100 mg/Kg Method A cleanup level are still present. However, the asphalt cap and the clean soil cap prevent the human exposure of the TPH 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 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

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.”

Although some cleanup levels changed for gasoline, diesel, and volatile organic compounds as a result of modifications to MTCA in 2001, 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 as a commercial fueling station and truck stop. 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

White Shield, Inc. 1992, Limited Site Assessment Report

White Shield, Inc. 1998, Leaking Underground Storage Tank Closure Report

Ecology, 1998, No Further Action Letter

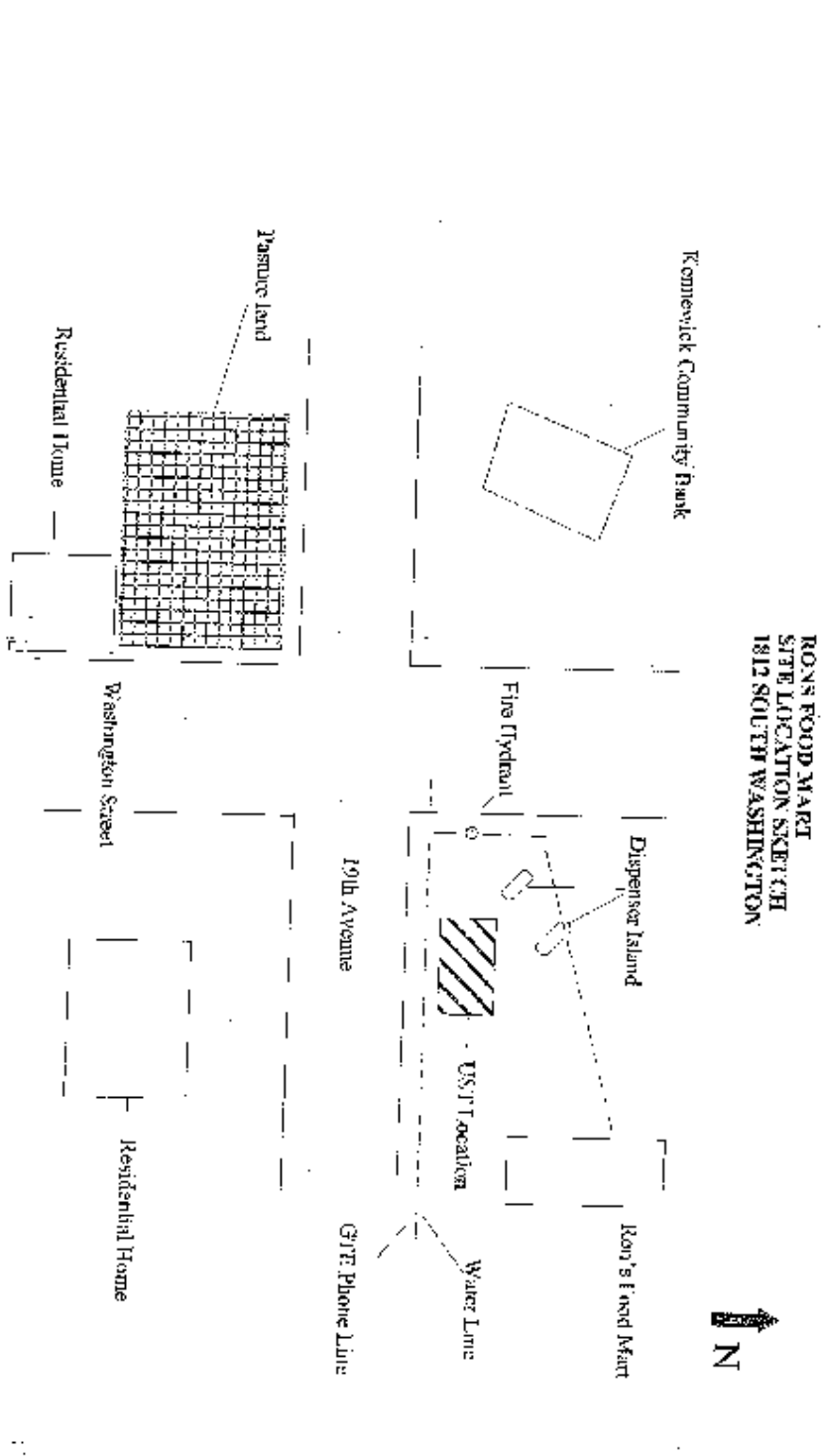
Ecology, 1998, Restrictive Covenant

Ecology, 2008, Site Visit

6.0 APPENDICIES

6.1 Site Plan

NTS



6.2 Environmental Covenant



Return to:

Ron Eller
1821 S. Washington
Kennewick, Wa. 99337

Appendix A

1-0780-201-0209-001
1 S.P. 229

RESTRICTIVE COVENANT

BT-mo
Owner: Mr. Ron Eller
1821 South Washington Avenue
Kennewick, Washington 99337
BENTON-FRANKLIN TITLE CO. 10.00
Property: Ron's Food Mart
1821 South Washington Avenue
Kennewick, Washington 99337

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Mr. Ron Eller, 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:

1. *Leaking Underground Storage Tank Closure Report* dated 11 May 1998 prepared by White Shield Environmental.
2. A letter dated 30 June 1998 submitted by Mr. Dale Cole of Petroleum Pump Company documenting the removal of the contaminated soil stockpiled at Ron's Food Mart to the Lower Valley Remediation Service.
3. A letter dated 30 June 1998 submitted by Mr. Dale Cole of Petroleum Pump Company documenting the final disposition of 249.63 tons of petroleum contaminated soil at the Lower Valley Remediation Service.

These documents are on file at Ecology's Central Regional Office in Yakima.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of gasoline-range petroleum hydrocarbons in the soil which exceed the Model Toxics Control Act (MTCA) Method A Cleanup Levels for Soil established under WAC 173-340-740.



RESTRICTIVE COVENANT
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The undersigned, Mr. Ron Eller, is the fee owner of real property (hereafter "Property") in the County of Benton, State of Washington, that is subject to this Restrictive Covenant. The Property is located at 1821 South Washington Avenue, Kennewick, Washington.

Mr. Ron Eller 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 gasoline-range petroleum hydrocarbons contaminated soil located in the former dispenser island excavation (Exhibit B, *Leaking Underground Storage Tank Closure Report*). The Owner shall not alter, modify, or remove existing structures, pavement, and landscape vegetation/soil covering in any manner that may result in the release or exposure to the environment of that known/suspected contaminated soil or create a new exposure pathway without prior written approval from Ecology.

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-day (30) 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.

6.3 Photo log

Photo 1: Front of Store – from the northwest



Photo 2: Dispenser island – from the west



Photo 3: Back of store – from the northeast



Photo 4: East side of store – from the northeast

