



PERIODIC REVIEW

**Tesoro Truck Stop
F/SID # 21625465**

**528 South Ely
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 Tesoro Truck Stop (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 diesel 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 Tesoro Truck Stop, also known as the former Asoco Station Site, is located in the City of Kennewick, Benton County, Washington (Appendix 6.1). Following tank closures in 1996 and 1997, a restrictive covenant (Appendix 6.2) was recorded for the property and the Site received a No Further Action determination in March 1998.

During the removal and decommissioning of four gasoline and diesel tanks in 1996, suspected petroleum contaminated soils were encountered at the site. Three of the tanks contained gasoline and one tank contained diesel fuel. The tanks ranged from 6,000- to 10,000-gallon capacities. GN Northern, Inc. (GNI) performed a site assessment at that time and confirmed the presence of diesel range petroleum hydrocarbons (TPH-D) at concentrations exceeding MTCA Method A cleanup levels.

Confirmation samples collected from the north sidewall of the diesel tank excavation indicated the presence of heavy oil or mineral spirit at 400 parts per million (ppm). These concentrations exceeded MTCA cleanup levels at that time. State cleanup levels have changed since this remedial action took place. These concentrations do not exceed the current MTCA Method A cleanup level for heavy oils of 2,000 ppm.

Confirmation samples taken below the diesel fuel dispenser island also indicated the presence of contamination exceeding MTCA Method A cleanup levels. A sample collected from the bottom of the excavation indicated TPH-D concentrations of 4,810 ppm. Due to the depth of the contamination, additional excavation was not conducted at the time.

Two soil borings were conducted later in 1997 to confirm the depth of this contamination. Petroleum hydrocarbon contamination was not detected below 25 feet below ground surface (bgs) and groundwater was not encountered until 95 feet bgs. Due to the depth of groundwater and the limited depth of contamination, no further remedial activities were conducted.

Following remedial activities, the site was repaved with asphalt. The was returned to commercial use and was eventually used as a commercial truck stop.

After entering the Voluntary Cleanup Program in 1998, a No Further Action determination was assigned to the site on March 8, 1998. A restrictive covenant was recorded for the property on March 22, 1998.

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 21, 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 2000 mg/Kg Method A cleanup level for TPH-D are still present at the Site. 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 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 for commercial 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 for the contaminants of concern. 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 are being followed. 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

GN Northern, Inc. 1997, Underground Storage Tank Site Assessment Report

Kent, Richard, 1997, Geologic Logs

Northwest Envirocon, Inc., 1998, Bioremediation of Petroleum Contaminated Soil

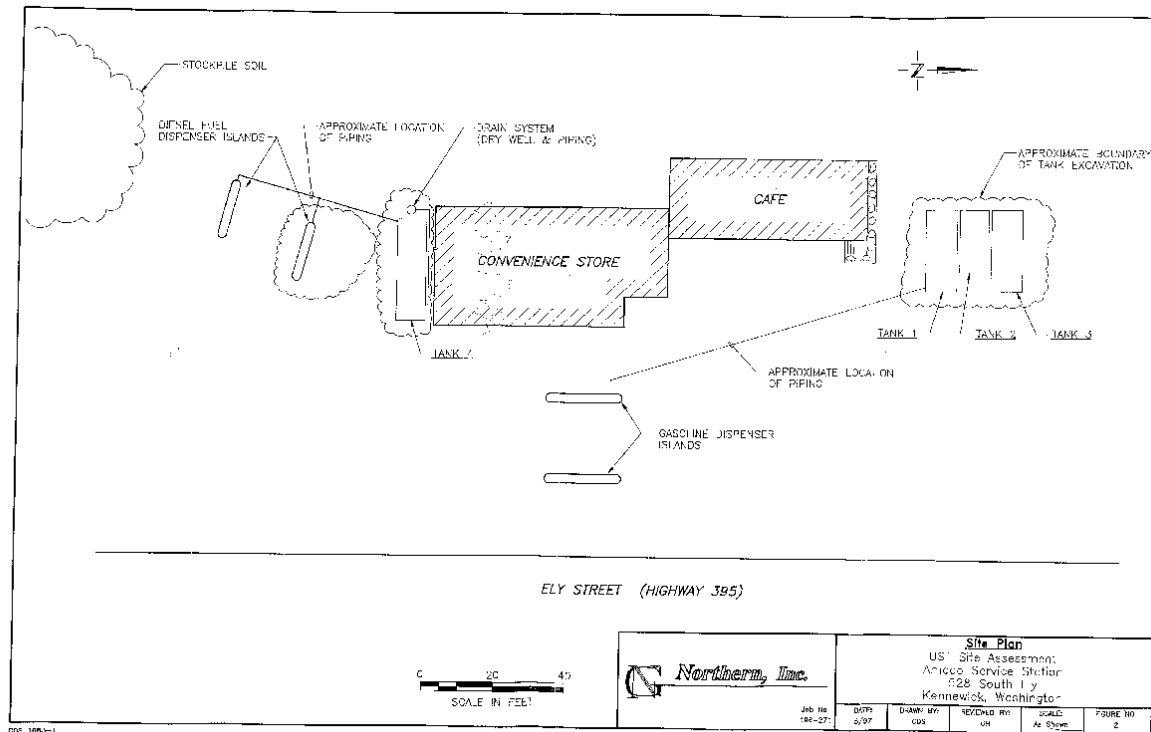
Ecology, 1999, No Further Action Letter

Ecology, 1999, Restrictive Covenant

Ecology, 2008, Site Visit

6.0 APPENDICIES

6.1 Site Plan



6.2 Environmental Covenant



FILED FOR RECORD AT REQUEST OF:
RAYMOND A. POGUE

WHEN RECORDED, PLEASE RETURN TO:

USA Holding, Inc.
919 W. Lewis
Pasco, WA 99301

Reference #: USA Holding, Inc.
Grantor(s): USA Holding, Inc.
Grantee(s): USA Holding, Inc.
Abbreviated Legal Description: Portion of Lot 37, Highland Plat B, Benton County, Washington
Parcel 1-0389-402-0037-001

RESTRICTIVE COVENANT **USA Holding, Inc. d.b.a. Amoco Truckstop**

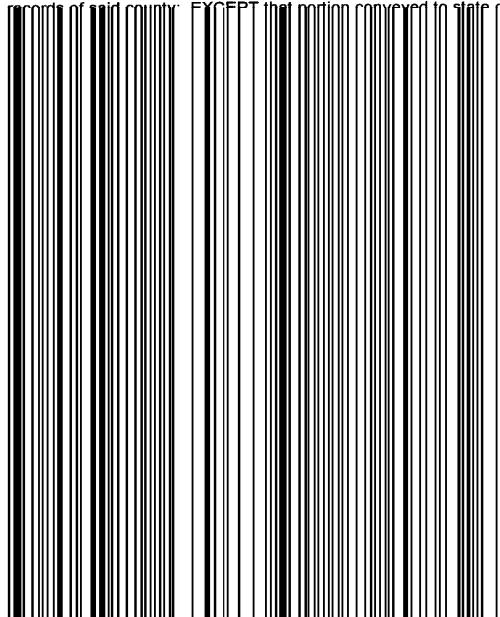
This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030 (l)(f) and (g) and WAC 173-340-440 by USA Holding, Inc., its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter, "Ecology").

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 documents: 1) UST Site Assessment, dated May, 1997, prepared by GN Northern, Inc. 2) Letter of Bioremediation of Petroleum Contaminated Soil, dated April, 1998, prepared by Northwest Envirocon, Inc. 3) Geologic Logs, dated June, 1998, prepared by Richard C. Kent, Professional Geologist. These documents are on file at Ecology's Central Regional Office.

This Restrictive Covenant is required because the Remedial Action on the Property resulted in residual concentrations of petroleum hydrocarbon contamination which exceed Model Toxics Control Act method A residual cleanup levels for soil established under WAC 173-340-740.

The undersigned, USA Holding, Inc., 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 legally described AS FOLLOWS:

The East 220 feet of the North 320 feet of Lot 37, Highland Plat B, according to the plat thereof recorded in Volume 2 of Plats, Page 3,





Section 1

A portion of the Property contains Petroleum Hydrocarbon contaminated soil located under the South end of the existing convenience store structure. The Owner shall not alter, modify, or remove the existing structure 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.

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 continued monitoring, operation, and maintenance of the Remedial Action.

Section 5

The Owner must restrict lessees 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

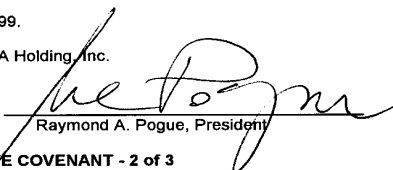
The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

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.

DATED this 9 day of MARCH, 1999.

USA Holding, Inc.

By: 
Raymond A. Pogue, President

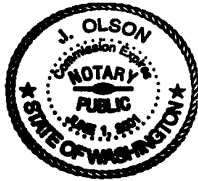
RESTRICTIVE COVENANT - 2 of 3



STATE OF WASHINGTON)
County of Benton) ss.

Before me, the undersigned authority, a Notary Public in and for the County and State aforesaid, on this day personally appeared Raymond A. Pogue, President of USA Holding, Inc., a Washington corporation, known to me to be the person whose name is subscribed to the foregoing Restrictive Covenant, and acknowledged to me that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacities therein stated.

GIVEN under my hand and official seal this 9th day of March, 1999



J. Olson
NOTARY PUBLIC in and for the State of
Washington, residing at Kennewick
My commission expires: June 1, 2001

6.3 Photo log

Photo 1: Front of Store – from the northeast



Photo 2: Back of store – from the northwest



Photo 3: Dispenser island – from the southwest



Photo 4: Front of store – from the southeast

