Bristol
ENVIRONMENTAL
REMEDIATION SERVICES, LLC

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907-563-0013 Phone
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STATUS MEMO

DATE: March 15, 2011

TO: Rob Rau, EPA Work Assignment Manager

FROM: Julie Sharp-Dahl

RE: Summary of the Current Status of LUST Site No. 4260105 – Toppenish Shell (Brand X), Yakama Nation Indian Reservation, Washington

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The Toppenish Shell (Brand X) site, EPA Facility ID#4260105, is located at 401 S. Elm Street Toppenish, Washington, on the Yakama Nation Indian Reservation (Figure 1). The site is approximately 0.9 acres in size. The property is currently owned by 401 South Elm St., LLC (Attachment 1). EPA Region 10 lists the site as an active Leaking Underground Storage Tank (LUST) site (EPA, 2009).

Initial EPA notification was received in May 1991, through a site assessment performed by White Shield (EPA, 1997). At the time, the property operated as a bulk plant for distribution of petroleum products and supported a mini-mart that retailed petroleum products, with an attached carwash (White Shield, 1991). The western side of the property operated as the bulk plant with five aboveground storage tanks (ASTs) and two abandoned underground storage tanks (USTs) of unknown size, but assumed to be 1,500-gallon each. The eastern portion of the site was occupied by a small mini-mart, with an attached carwash to the south. Two 6,000-gallon USTs, containing regular and unleaded gasoline were located to the north of the mini-mart, while two 4,000-gallon USTs containing regular and super unleaded gasoline were located to the east of the carwash. The two 1,500 –gallon, two 6,000-gallon, and two 4,000-gallon USTs were unused at the time (EPA, 1997). Retail dispensers were located north and east of the building, and a diesel dispenser associated with the ASTs was located in the central portion of the site. Groundwater is located approximately 13 feet below ground surface (bgs) and generally flows to the southeast.

A municipal water supply well exists approximately 1,000 feet and to the east-southeast of the site. Site soils consist of a clayey silt mixed with sand and gravel to a depth of 7-10 feet bgs, with silty, sandy, cobbly gravel below this depth. Three adjacent properties operate, or had on-site fuel USTs.

During the 1991 site assessment, three test pits were dug downgradient of the USTs in areas most likely to contain petroleum contamination (Figure 2). Petroleum above Washington Department of Ecology Model Toxics Control Act (MTCA) cleanup levels in test pits #1 and #3; "high" levels of petroleum-contaminants were reported in soil at 7 feet bgs in test pit #3. Test pit #3 is located on the eastern portion of the site along Elm Street, and due to concerns about migration of petroleum-contaminants, two additional test pits were dug at the Serv Um Self located immediately east of the site across Elm Street. Analytical soil samples were not collected from the two off-site test pits, but groundwater samples were collected from all five of the test pits. One of the groundwater samples, collected from test pit #4, contained diesel and lead at concentrations that exceed MCTA cleanup levels; no detectable concentrations of contaminants were reported for the other groundwater samples. The report recommended removing the unused USTs and conducting a cleanup of the contaminated media.

A soil-gas and water survey report was prepared by Lockheed Environmental Systems and Technology Company (LESAT) in April 1994 for the Indian Lands Resource Conservation and Recovery Act (RCRA) site at Toppenish. Benzene, toluene, ethylbenzene, and xylenes (BTEX) were the target analytes for soil-gas, soil, and water samples, while diesel was only analyzed for the soil and water samples. The results for samples collected from three locations along the eastern and south-eastern side of the Brand X site show BTEX in groundwater samples, but not in the soil samples. Diesel range petroleum hydrocarbons were not detected (LESAT, 1994).

The EPA performed a field inspection at the site in July 1994 (EPA, 1994). Depth to the bottom of the six USTs was measured, as well as product within the USTs. Product was measured in one of the two 6,000-gallon USTs (0.625 inches) and both of the 1,500-gallon tanks (3.75 and 3.25 inches), while the 4,000-gallon USTs contained only oily water.

In 1995, the USTs were removed and remedial efforts were initiated by Technico. Three excavations were made, with two USTs in each of the excavations (Figure 3). Two of the excavations, tank basins for USTs I and II and for II and IV, contained petroleum-contaminated soil (PCS) while the third tank basin, for USTs V and VI, did not. Diesel contamination above MTCA cleanup levels was also reported at the soil-water interface at the diesel dispenser (associated with the ASTs) located in the central portion of the site. All PCS was removed from the tank basin formerly containing USTs I and II, while PCS was left along the south and east of the tank basin formerly containing USTs III and IV. No further excavation, to the south and east, could take place at this tank basin since further excavation would endanger Elm Street. The vertical extent of this excavation was to 20 feet bgs, with the majority of the contamination located in the smear zone, 16-18 feet bgs. Approximately 300 cubic yards of PCS were removed from the site (Technico, 1995).

During the 1995 removal action, three monitoring wells were installed to evaluate groundwater contamination. Monitoring well #1 (MW1) was placed north and slightly east of the diesel dispenser, and west of the tank basin for USTs I and II; MW2 was placed along the southern edge of the site west of tank basin formerly containing USTs II and IV; and MW3 was placed against the southern eastern sidewall in the contaminated smear zone near the tank basin formerly containing USTs II and IV (Figure 3). Gasoline and diesel were not detected in any of the three wells, while BTEX concentrations exceeded MCTA cleanup levels in MW3. Testing for lead was not performed.

In 1996, PLSA Engineering & Surveying (PLSA, 1996) performed a site assessment and cleanup at the site, so that the site could be developed for a new construction (the Maid O'Clover Service Station and convenience store). On-site structures were demolished prior to the removal of PCS. During removal activities, two additional USTs were encountered and removed. One was located in the northeast portion of the site; the location of the other UST, a waste oil tank, was not reported. Both had been previously decommissioned. Approximately 300 cubic yards of PCS was removed and disposed of off-site. The report concluded that the sources of gasoline and BTEX contamination were removed to the extent practicable; therefore, groundwater quality should improve in the near future. There was no evidence that the petroleum-contamination has

impacted neighboring properties, and since the site will be covered by the new structure(s) and pavement, the risk is minimal. An addendum to this report, issued in March 1997, states there are three monitoring wells on site, including a monitoring well recently installed in the fuel dispensing island (MW4), indicating that MW1 was no longer there. Also the addendum states that the PCS originating from inside the waste oil UST was characterized for off-site disposal, but soil sampling was not performed at the location of the former waste oil tank.

EPA provided a Sampling and Analysis Plan prepared by Blue Mountain Environmental Consulting (Blue Mountain, 2001). No further reports or documentation of site activities were provided by the EPA for this site.

REFERENCES

Blue Mountain Environmental Consulting. 2001. *Sampling and Analysis Plan for MAID O'CLOVER (Brand-X Tank 'n Tummy) Gasoline Station*. EPA Facility #4-260105L. Toppenish, Washington.

Lockheed Environmental Systems and Technology Company. 1994. *Soil-gas, Soil and Water Survey Report for the Indian Lands RCRA Site at Toppenish, Washington*. April.

PLSA Engineering & Surveying. 1996. *Site Assessment and Cleanup Engineering Report on Petroleum Cleanup for Matthews Investment, Elm Street and First Street, Toppenish, Washington*. November.

Technico, 1995. Memo to Mr. Robert Cutler, EPA UST Program. Subject: Site Characterization and Independent Cleanup Action Report for the Brand X and Tank n' Tummy, 401 S. Elm Street, Toppenish, Washington. August 15.

U.S. Environmental Protection Agency (EPA). 1994. Memo to Denise Baker, Acting Chief UST Section, Water Division. Subject: Trip Report, July 13-14, 1994. July 20.

EPA, 1997. Basis of Decision, Brand X Tank n' Tummy, Toppenish Washington, EPA UST Facility No. 4-26105. May 27.

EPA. 2009. Client-provided background information and materials packet.

EPA. 2009. *EPA Region 10 Active LUST Sites on Indian Lands (as of 1/29/09)*. http://yosemite.epa.gov/r10/water.nsf/UST/UST+Info+Resources/$FILE/Active-IL-LUSTs.pdf Accessed 11/17/10.

White Shield, Inc., 1991. *Site Assessment Report for Underground Storage Tank Closure at Brand X Tank & Tummy, Toppenish, Washington*. May.

ATTACHMENT 1

SCHEDULE A

Our No. 174165

Liability: $1,000.00 Fee: $250.00 + $20.50 = $270.50

1. Name of Assured: BRISTOL ENVIRONMENTAL REMEDIATION SERVICES, LLC

2. Date of Guarantee: January 27, 2011

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matters relating to the interest, if any, which was conveyed to 401 South Elm Street, LLC, a Delaware limited liability company, pursuant to a deed recorded October 6, 2009, under Auditor's File Number 7669592.

in and to the land described as follows:

Lot 1 of Short Plat, recorded July 17, 2002, under Auditor's File No. 7283340, records of Yakima County, Washington.

Only the following matters appear in such records subsequent to August 17, 1977:

FILED	INST.	FILE NO.	FIRST PARTY	SECOND PARTY
8/18/77	Patent	1009/2472586	USA	Riddle
7/13/78	Contract	1027/2510972	Wilson	Silvers et al
6/8/81	Deed	1082/2618331	Wilson	Silvers et al
6/9/81	Deed	1082/2618479	Silvers	Central WA Marketing
6/9/81	Mortgage	1082/2618481	Central WA Marketing	Silvers et al
12/21/82	FS	1110/2663650	R. H. Bowles Co.	People's Bank
11/4/88	FS	1252/2844582	R. H. Bowles Co.	People's Bank
12/16/88	Asn. FS	1255/2848092	R. H. Bowles Co.	US Bank
11/16/89	DOT	1281/2876031	Central WA Marketing	Yakima Valley Bank
11/16/89	DOT	1281/2876036	Central WA Marketing	US Bank
9/11/90	DOT	1304/2901703	Bowles et al	Freeth Distributing
1/15/91	Mortgage	1314/2912717	Central WA Marketing	Bowles

5/2/91	REL	1323/2922386	Bowles	Central WA Marketing

FILED	INST.	FILE NO.	FIRST PARTY	SECOND PARTY
2/16/93	Deed	1385/2991313	State of Washington	Toppenish
6/7/93	Cont. FS	1396/3004634	R. H. Bowles Co.	US Bank
4/19/94	Apt.	1434/3045853	Freeth	Fidelity
12/30/94	Deed	1464/3078762	Reynolds, Trustee	Larry Brader
1/4/95	Deed	1464/3079224	Churchill Silvers	Central WA Marketing
1/6/95	Reconveyance	1464/3079578	Central WA Marketing	U.S. Bank
11/27/95	Apt.	1500/3116487	Freeth Dist.	Valley Title
12/19/95	Lien	1502/3119186	Technico Environ.	Brader et al
2/14/97	Release	1551/3169615	Technico Environ.	Brader et al
3/18/97	Deed	7002747	Del Matthews	Larry Brader
3/31/97	DOT	7004593	Brader	Home Security Bank
4/1/97	UCC	7004642	Brader	Home Security Bank
7/15/98	DOT	7067519	Brader	Home Security Bank
5/1/02	Deed	7270468	Brader	Kim
5/1/02	DOT	7270469	Kim	Americanwest Bank
5/9/02	UCC	7271878	Kim	Americanwest Bank
6/3/02	Recon	7276197	Brader	Home Security Bank
5/25/07	Easement	7564141	Kim	State of Washington
1/15/08	Asn. DOT	7596029	Americanwest Bank	Atlantic National Trust
1/15/08	Asn. DOT	7596030	Atlantic National Trust	Wells Fargo Foothill
4/21/09	Asn. UCC	7649945	Kim	Atlantic National Trust
5/11/09	Asn. UCC	7652380	Atlantic National Trust	ATL Holdings
6/8/09	Asn. DOT	7655690	Wells Fargo Foothill	Atlantic National Trust

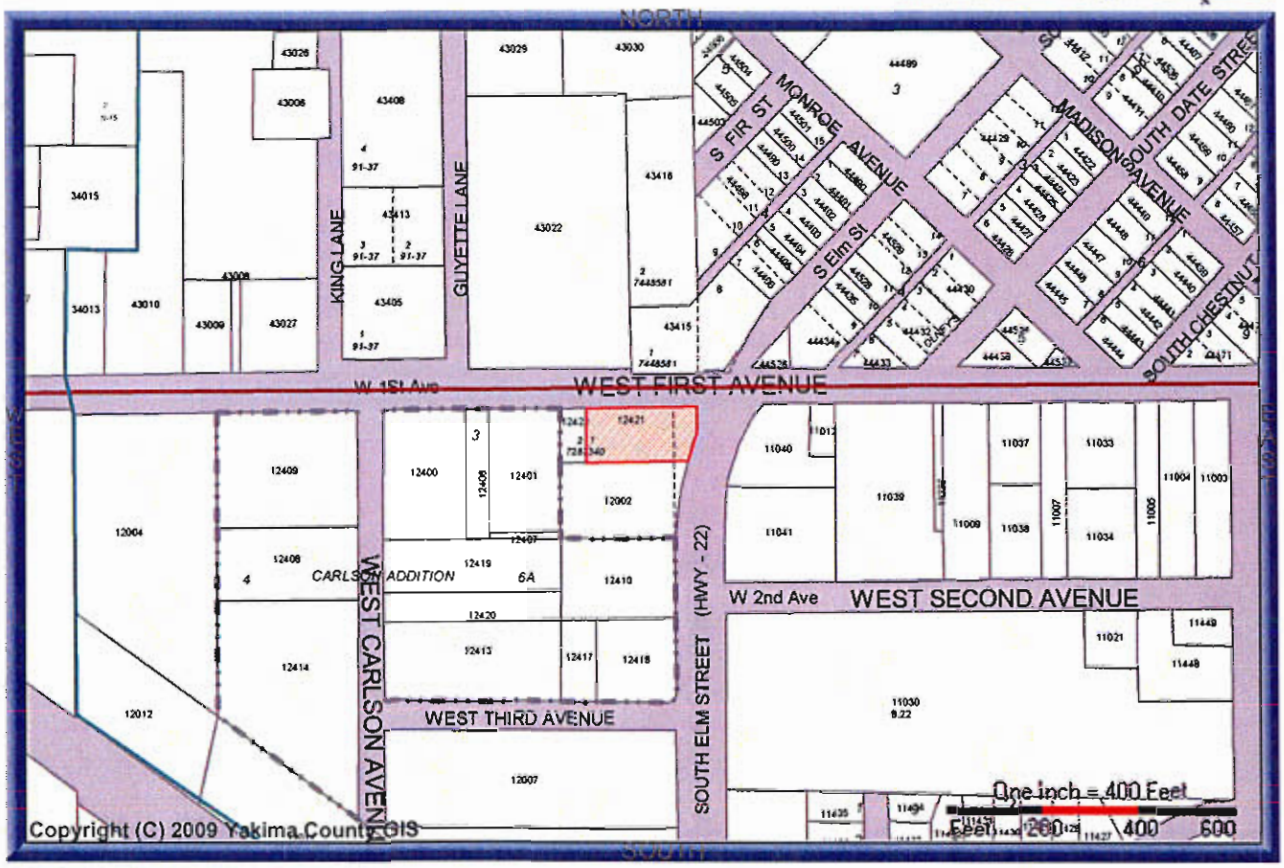
FILED	INST.	FILE NO.	FIRST PARTY	SECOND PARTY
6/8/09	Asn. DOT	7655691	Atlantic National Trust	ATL Holdings LLC
6/8/09	AST	7655692	Americanwest Bank	NW Trustee Services
6/26/09	NTS	7658166	Kim	ATL Holdings
10/6/09	Deed	7669592	NW Trustee Services	401 South Elm St.
10/23/09	DOT	7671320	401 South Elm St.	Atlantic National Trust
11/24/09	UCC	7674473	401 South Elm St.	Atlantic National Trust

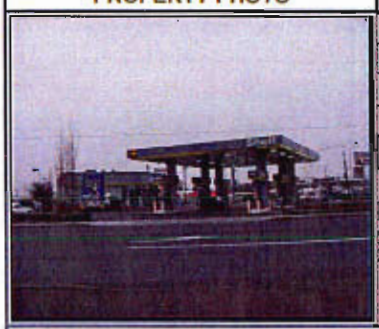
This Guarantee does not cover:

1. Taxes, assessments and matters related thereto.
2. Instruments, proceedings or other matters which do not specifically describe said land.

[Print Map] [Close Map]

Yakimap.com



PROPERTY PHOTO	PROPERTY INFORMATION	
	Parcel Address: **401 S ELM, TOPPENISH ,WA 98948**	
	Parcel Owner(s): **401 S 401 S ELM STREET LLC**	
	Parcel Number: **20100912421**	Parcel Size: **26162 Square Feet**
	Property Use: **54 Retail Food**	
	TAX AND ASSESSMENT INFORMATION	
	Tax Code Area (TCA): **480**	Tax Year: **2011**
	Improvement Value: **$520600**	Land Value: **$62050**
	CurrentUse Value: **$0**	CurrentUse Improvement: **$0**
	New Construction:**$0**	Total Assessed Value:**$582650**

OVERLAY INFORMATION	
Zoning:	Jurisdiction: **Toppenish**
Urban Growth Area: **Toppenish**	Future Landuse Designation: **City Limits (Yakima County Plan 2015)**
FEMA: **Floodplain data N/A**	FIRM Panel Number: **53077C1850D**

LOCATION INFORMATION		
+ Latitude:**46° 22' 29.256"**	+ Longitude:**-120° 19' 14.693"**	Range:**20** Township:**10** Section:**09**
Narrative Description: **Section 09 Township 10 Range 20 Quarter NE: LOT 1 SP 7283340**		

DISCLAIMER

MAP AND PARCEL DATA ARE BELIEVED TO BE ACCURATE, BUT ACCURACY IS NOT GUARANTEED; THIS IS NOT A LEGAL DOCUMENT AND SHOULD NOT BE SUBSTITUTED FOR A TITLE SEARCH, APPRAISAL, SURVEY, FLOODPLAIN OR ZONING VERIFICATION

FIGURE 1

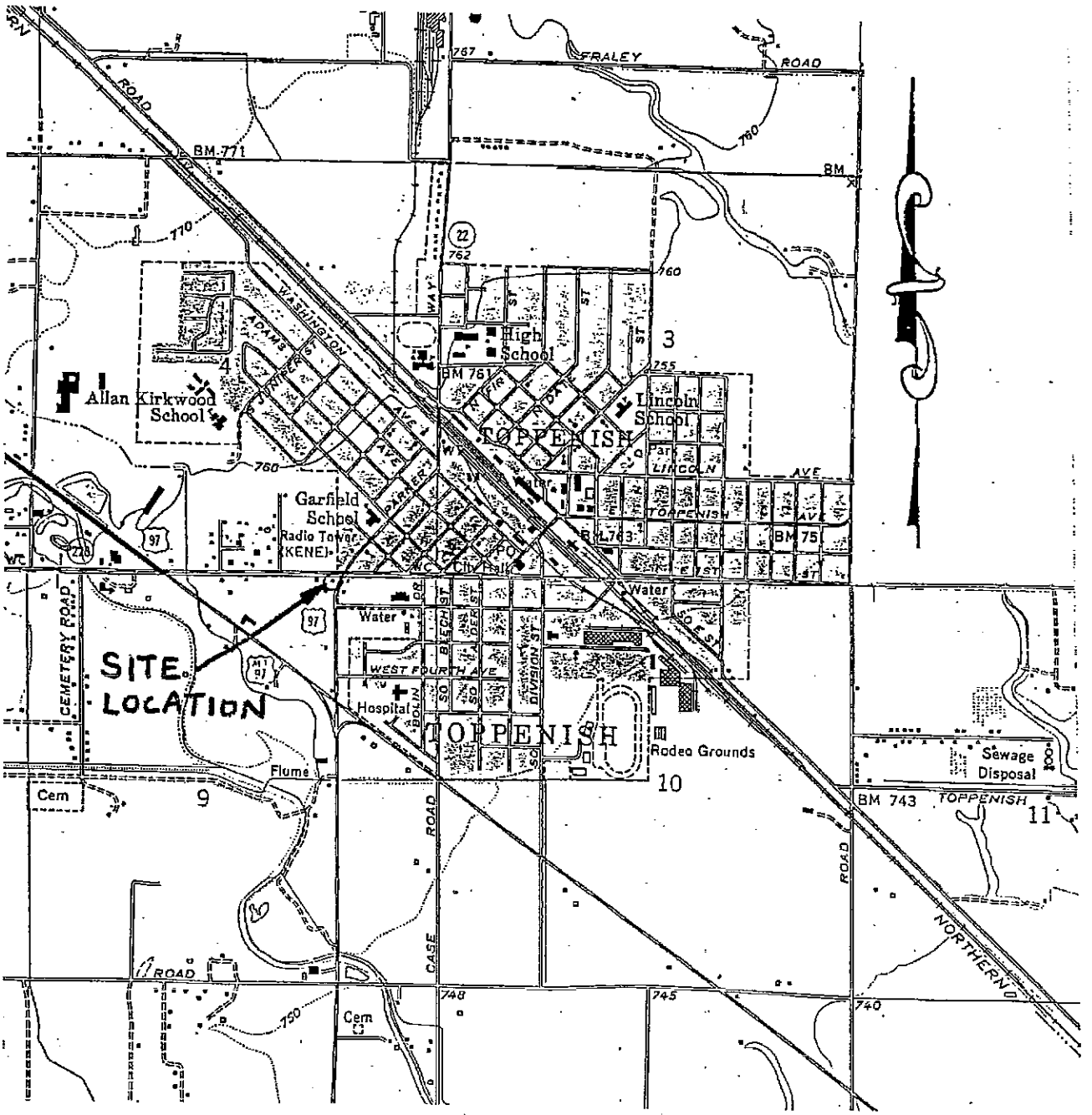


FIGURE 2

Steet Map of Toppenish

FIGURE 2

WHITE SHIELD, INC.
P.O. BOX 477
GRANDVIEW, WA
98930
(509) 882-1144

FIELD FORM FOR SITE ASSESSMENT OF UNDERGROUND STORAGE TANKS

Project name: Toppenish Brand-X Project number: REP-0191

Location: SW CORNER of Fort Rd & Elm ; ___ 1/4 ___ 1/4, Sec. ___, T. ___ N., R. ___ E., W.M.

Field Personnel: D.L.G. & R.L.H. Weather: Sunny, Warm Date: 5-22-91

Tank Contents: ___ Size: ___ Condition: ___

Tank Contents: ___ Size: ___ Condition: ___

Tank Contents: ___ Size: ___ Condition: ___

Tank Contents: ___ Size: ___ Condition: ___

Tank Contents: ___ Size: ___ Condition: ___

Ambient vapors: ___ Vapors in excavation: ___ Odors: ___

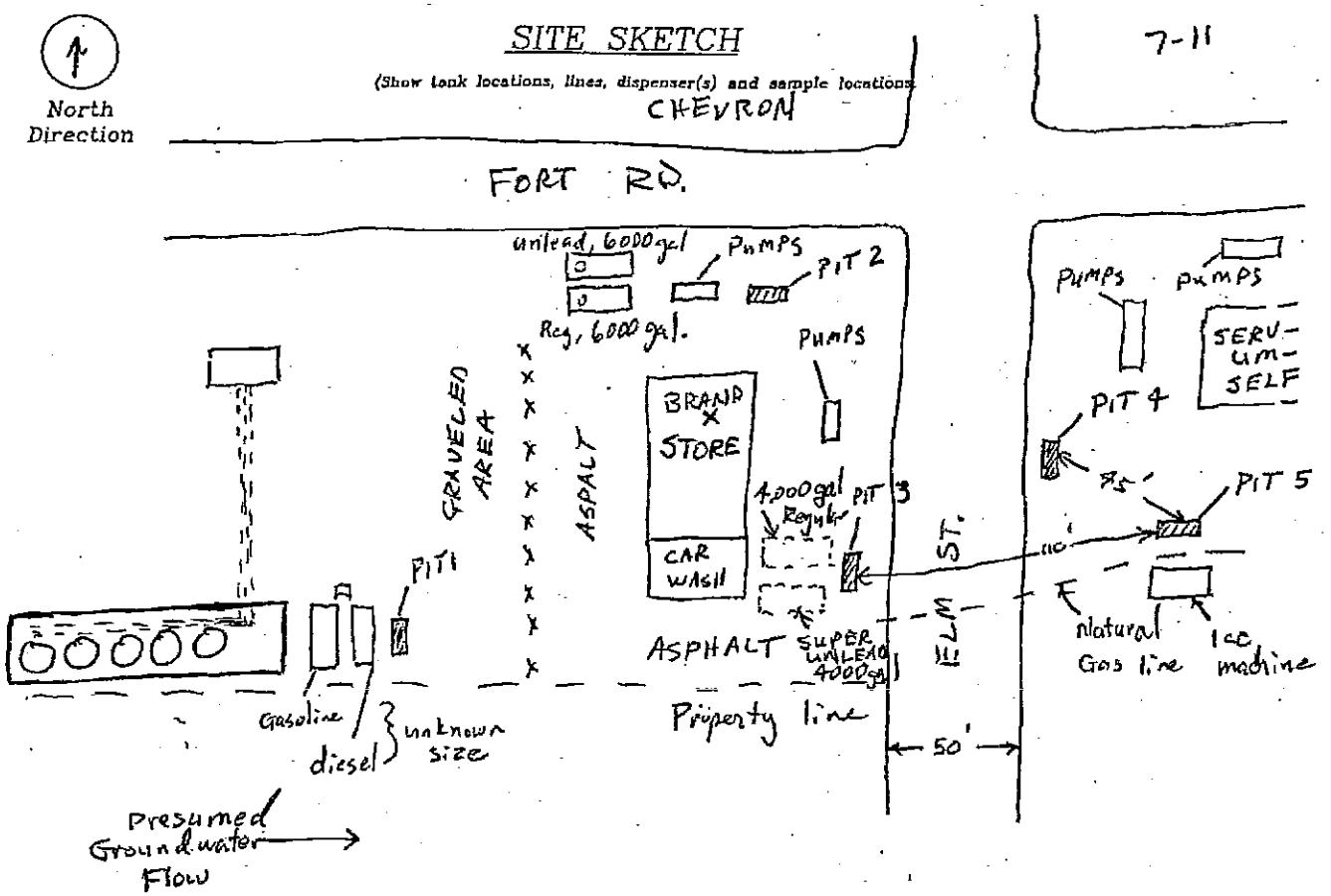
Soil texture and structures: Flood silt to ~6'. Basaltic River Gravels up to 5" in diameter from 6' to 13'

Visual contamination: 2' heavy contamination above g.water in PIT3 Screening method: FID

North Direction

SITE SKETCH

(Show tank locations, lines, dispenser(s) and sample locations)



Samples descriptions are on reverse.

Depth to groundwater 13'

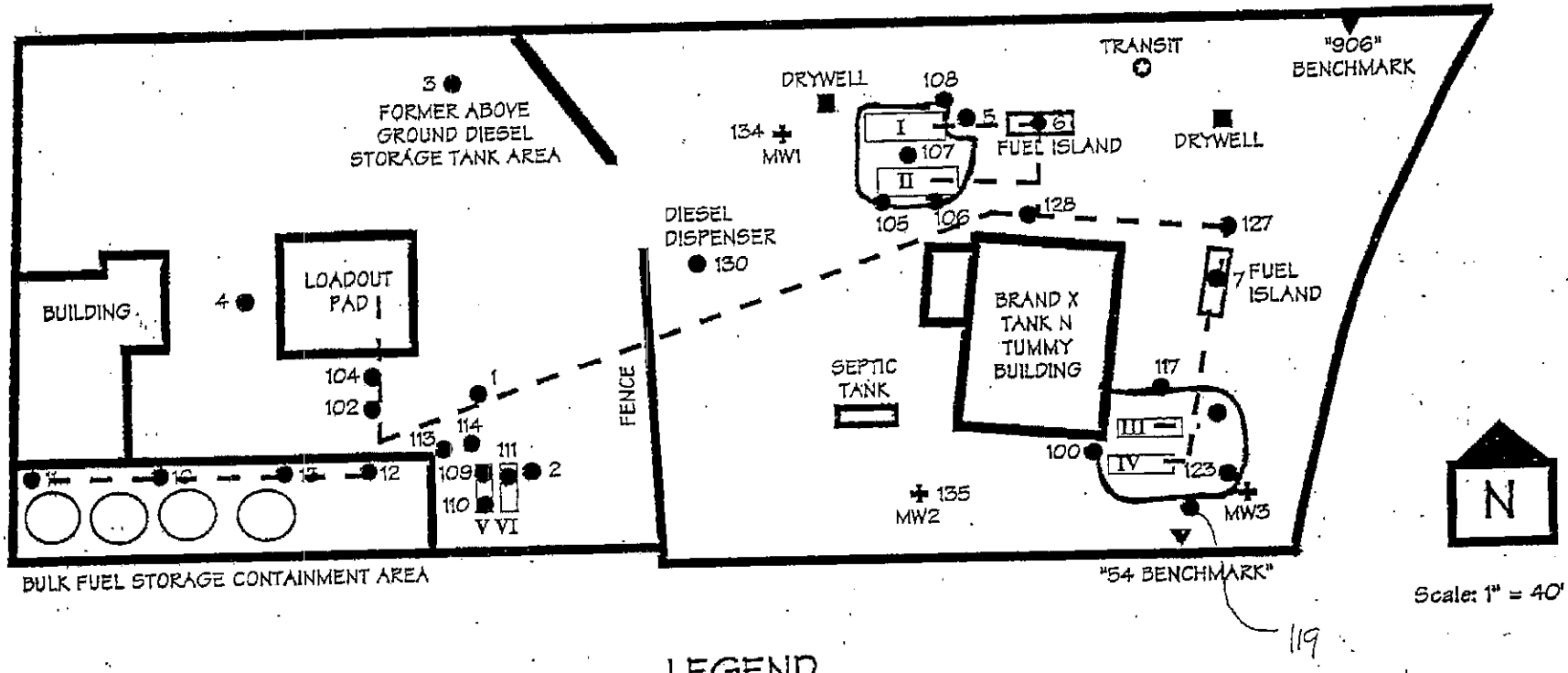
Approximate scale: Not to scale

I certify that the work performed and sampling methods used meet regulatory requirements as set forth by the U.S. Environmental Protection Agency and the Washington State Department of Ecology.

Site Assessor: [signature] Date: 5-22-91

FIGURE 3

Figure 2
Site Map of Brand X Tank 'n' Tummy Site in Toppenish, WA with Groundwater Elevations, Contours, and Direction of Flow August 10, 1995



LEGEND

- SOIL SAMPLING LOCATION
- DRYWELL
- TRANSIT
- FUEL LINE
- MONITORING WELL LOCATION
- BENCHMARK
- FUEL STORAGE TANKS (6)

Tanks I & II are 6,500 gallons each
Tanks III & IV are 4,000 gallons each
Tanks V & VI are 1,000 gallons each