CLEANUP ACTION REPORT

Affected Property:
23418 Pacific Highway South
Kent, WA

Source Property:
23428 Pacific Highway South
Kent, WA

Site: Southgate Oil Site

Facility/Site ID: 84946863

Prepared For:
Muscatel Midway Properties, LLC
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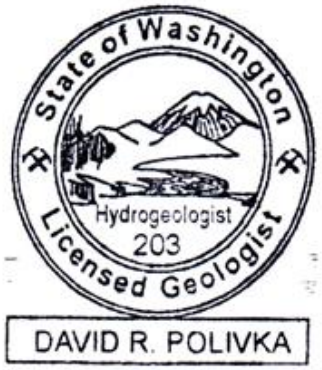

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1.0 INTRODUCTION

EcoCon Inc. (ECI) has prepared this Cleanup Action Report (CAR) on behalf of Muscatel Midway Properties, LLC (Muscatel) for the property it owns located at 23418 Pacific Highway South, Kent, Washington (Affected Property) (Figure 1, Appendix A). This CAR was developed in accordance with the Washington State Model Toxics Control Act, Chapter 70.105D RCW, and its associated Cleanup Regulations, Chapter 173-340 WAC (collectively, MTCA), and applicable policies and guidance published by the Washington State Department of Ecology (Ecology).

The Affected Property is partially within the site commonly known as the Southgate Oil Site (Site), which is identified by Ecology as Facility/Site No. 84946863. The Site consists of the entire area where hazardous substances released at or from the bulk fuel distribution facility that formerly operated on the neighboring property to the south of the Affected Property (Source Property) has come to be located. The Source Property is located at 23428 Pacific Highway South, Kent, Washington.

Remedial actions have reportedly been conducted on the Source Property, but those remedial actions did not remove all contaminated soil from the Source Property, and contaminated soil remains on the Source Property along its boundary with the Affected Property. As used in this CAR, the term "contaminated soil" means soil containing a hazardous substance at concentrations exceeding its applicable cleanup level.

This CAR summarizes the cleanup action completed for the Affected Property. The cleanup actions consisted of a remedial excavation, installation of a barrier to recontamination, and development of an environmental covenant that will be recorded against the Affected Property.

- The remedial excavation was successful in excavating and removing the contaminated soil from the Affected Property, other than a small zone that could not be removed because it is located under a retaining wall that separates the Affected Property from the Source Property.
- The barrier to recontamination, consisting of a continuous sheet of 14-mil PVC, was installed along the northern face of the retaining wall adjacent to the remaining contamination beneath the wall to isolate and contain the contaminated soil that remains under the retaining wall.
- Because contaminated soil remains under the Affected Property, an environmental covenant will be recorded against the Affected Property to provide notice of the residual soil contamination and to prohibit disturbance or exposure of the residual contamination without advance notice to Ecology.

The cleanup action constitutes a final, permanent remedy for the portion of the Site on the Affected Property, and no further remedial action will be necessary for the portion of the Site on the Affected Property after the environmental covenant is executed and recorded against the Affected Property.

1.1 Document Purpose

The purpose of this CAR is to summarize the remedial actions completed at the Affected Property, and to qualify the Affected Property for a written determination issued by Ecology or the Pollution Liability Insurance Agency (PLIA) stating that no further remedial action is necessary on the Affected Property.

1.2 Property Description

The Affected Property is located at 23418 Pacific Avenue South in Kent, Washington, and consists of a 2.27-acre rectangular shaped parcel identified in the property records of King County as Tax Parcel Number 2500600465. The Affected Property is currently developed with a multi-tenant retail building that was constructed in 1962. The western portion of the building was damaged by a fire in November 2016. The damaged portion of the building was demolished in late 2017 and has been rebuilt.

A retaining wall is located along the southern boundary of the Affected Property. The retaining wall extends from the southeast corner of the Affected Property to the west approximately 80 feet (Figure 3). According to a survey prepared for Sound Transit in June 2019, the retaining wall is 1 foot thick and located entirely on the Affected Property. The southern face of the retaining wall represents the southern boundary of the Affected Property.

According to the King County Assessor, the Affected Property is currently owned by Muscatel. The following is the abbreviated legal description of the Affected Property as provided by King County Assessor's website:

Table 1: Property Legal Description

Tax Parcel Number	Abbreviated Legal Description
2500600465	Plat Block: 5, Plat Lot: POR 5-6-7 FEDERAL HIGHWAY ADDITION LOTS 5, 6 AND 7 BLK 5 EXC ELY 10 FT IN WIDTH OF SAID LOT 5 CONVEYED TO STATE OF WA FOR STATE HIGHWAY NO 1 BY DEED UNDER RECORDING NO 5025702; AND EXC WLY 12.00 FT OF S 20.00 FT OF N 34.40 FT (AS MEASURED ALONG WLY LINE) OF LOT 5 CONVEYED TO CITY OF KENT BY DEED UNDER RECORDING NO 20031216000206

1.3 Site Description

A portion of the Affected Property is within the Southgate Oil Site, which Ecology has identified as Facility/Site No. 84946863. The Site consists of the entire area where hazardous substances released at or from the bulk fuel distribution facility that formerly operated on the Source Property have come to be located. The Source Property is located at 23428 Pacific Highway South, Kent, Washington.

The bulk fuel distribution facility operated for approximately 75 years on the Source Property, most recently under the business name of Southgate Oil. The facility included at least eleven underground storage tanks ("USTs") ranging from a storage capacity of 275 gallons to 25,000 gallons that were installed

between the 1950s and 1990s. The USTs were reportedly used to store gasoline, diesel, and heating oil. The facility stopped distributing fuel in or around 1999.

2.0 PHYSICAL SETTING

2.1 Regional Geology

The Site is located within the Puget Sound Basin, which is classified as unconsolidated Pleistocene continental glacial drift. The glacial deposits predominantly consist of sand and silt, with varying amounts of gravel and cobbles (United States Geological Survey, 2005).

According to the EPA 2015 “Second Five-Year Review Report” for the Midway Landfill Superfund Site located approximately 0.6 miles to the south of the Site, the Site is located near the crest of a narrow north-south trending glacier feature known as the Des Moines Drift Plain. This area, referred to as "upland" because of its location above adjacent valleys and sea level, is bordered by Puget Sound on the west and the Green River valley on the east.

Maximum elevations along the crest of the upland generally range from 400 to 450 feet above mean sea level. Puget Sound is at sea level, and the Green River valley floor typically averages about 30 feet above mean sea level. The United States Geological Survey (USGS) topographic map of Des Moines, WA (2017), shows that the Site is situated at an elevation of approximately 398 feet above Mean Sea Level (MSL).

The upland area is cut with a number of steep-sided stream valleys. Adjacent to the Site, the land surface is relatively flat across Highway 99 with a slight slope to the northwest. It then drops steeply downward approximately 200 feet towards Massey Creek approximately half a mile to the west- northwest.

To the east of the Site the land surface rises slightly for approximately 400 feet and then slopes steeply downward to the east with an elevation change of approximately 300 feet, across some natural and manmade terraces towards the Green River approximately one mile east of the Site. No significant water bodies were identified within one mile of the Site.

2.2 Regional Hydrogeology

The primary aquifers in the Puget Sound region are typically in glacial sands and gravels overlain by relatively impermeable glacial till deposits, that are present at or near the ground surface. Within these till deposits are localized areas or lenses of water-bearing sands and gravels that may result in a shallow, localized, perched water table. Lateral and vertical migration of shallow groundwater may be impeded by the relatively impermeable nature of the till and by the sometimes-discontinuous nature of the perched water-bearing sands and gravel. In some areas, the hydrogeology is controlled by large gravel deposits that are a result of advance and recessional glacial outwash or non-glacial alluvium deposited by rivers in the region.

2.3 Site Geology

The immediate area of the Affected Property is underlain by glacial drift consisting of alluvium, an alluvial terrace, and peat. These units were deposited during the Holocene and are characterized by mostly unconsolidated silt, sand, and gravelly valley fill with some clay, which includes low-level terrace, marsh, peat, artificial fill and glacial deposits. Soils encountered in soil borings advanced in November 2017 and in the excavations conducted for the cleanup action summarized in this CAR were generally brown to light brown, dry, dense to very dense, coarse sandy silt with gravel.

The Natural Resources Conservation Service (NRCS) Web Soil Survey describes the soils at the Affected Property as Arents Alderwood Material. This soil is characterized as gravelly sandy loam, a class B/D soil that is moderately well drained.

2.4 Site Hydrogeology

According to the EPA 2015 "Second Five-Year Review Report" for the Midway Landfill Superfund Site, there is a shallow perched aquifer in the area of the Affected Property that is believed to represent shallow, discontinuous lenses of groundwater perched on low permeability deposits. EPA states that while this groundwater is shallow and discontinuous, it is not always perched.

Based on a review of well logs in the Ecology online well log database, the depth to shallow groundwater in the area of the Affected Property is reported to be from 30 feet below ground surface (bgs) to over 100 feet bgs. A Phase I ESA conducted for Sound Transit in March 2018 indicates that groundwater was observed at depths of 58 and 78 feet bgs in two geotechnical borings advanced approximately 60 feet east and 100 feet southeast of the Affected Property.

The shallow groundwater flow in the area of the Affected Property is most likely controlled by the topography. Because of the depth to groundwater and topographic ridge upon which the Affected Property is located, the anticipated groundwater flow direction at the Affected Property may be divided between the east and the northwest. Groundwater migration pathways may also follow underground conduits.

3.0 INVESTIGATIONS AND REMEDIAL ACTIONS COMPLETED AT SOURCE PROPERTY

ECI has reviewed reports from UST decommissioning activities and remedial actions conducted on the Source Property between 2000 and 2002 and an investigation on the Source Property conducted in 2018. The results of these remedial actions and investigation are summarized below.

3.1 UST Decommissioning (Nowicki, 2000 and 2001)

According to reports prepared for Global Environmental Soil Services by Nowicki & Associates, Inc. (Nowicki) in 2000 and 2001, nine USTs, ranging from 275 to 10,000 gallons, containing gasoline, diesel fuel, and heating oil, were decommissioned and removed from the Source Property in October and November of 2000. Approximately 350 cubic yards of petroleum-contaminated soil (PCS) was excavated and treated on the Source Property through bioremediation and reused as backfill. Soil samples collected from the northern sidewall of one excavation area adjacent to the Affected Property identified diesel at concentrations exceeding its MTCA Method A cleanup level. As reported by Nowicki & Associates, the contaminated soil was located near a heating oil UST that was not removed from the Source Property.

3.2 UST Decommissioning and Soil Remediation (SES, 2002)

According to a report prepared by Sound Environmental Strategies (SES), dated February 25, 2002 (SES Report), two heating oil USTs (20,000 and 25,000 gallons), and associated fuel dispensers were removed from the eastern portion of the Source Property in February 2002. Petroleum contaminated soil was also excavated and removed from the Source Property as part of this project.

Total petroleum hydrocarbons (TPH) as diesel-range organics (DRO) were identified in soils around the 25,000-galllon UST. According to SES, results of soil samples collected in the course of the excavation, as indicated on Figure 2 of the SES Report, identified DRO at concentration above the MTCA Method A cleanup level at depths between 8 and 25 feet bgs. TPH as gasoline-range organics (GRO) and oil-range organics (ORO) were not analyzed. Approximately 748 tons of contaminated soil was excavated for disposal.

As indicated on Figure 2 of the SES Report, excavation of the contaminated soil stopped short of the boundary between the Source Property and the Affected Property. The analysis of soil samples collected from the northern sidewalls of the excavation identified DRO at concentrations of 4,800 milligrams per kilogram (mg/kg) and 3,200 mg/kg DRO at depths of 6 and 16 feet bgs, respectively. See Table 5 of the SES Report for these analytical results.

According to the SES Report, the zone of contaminated soil left in place on the Source Property was estimated to be 25 feet long and located at least 10 feet bgs. SES placed a 10-millimeter plastic liner vertically along the northern sidewall of the excavation, extending approximately to 14 feet bgs. The liner was reportedly placed to limit cross-contamination between the contaminated soil that remained north of the liner and the clean backfill placed south of the liner. The SES Report states that the liner was “not intended to be a permanent means for eliminating cross contamination.”

3.3 No Further Action Determination (Ecology, February 2003)

In September 2002, a prior owner of the Source Property applied to enroll the Source Property in Ecology's Voluntary Cleanup Program (VCP). Ecology issued a "property-specific" no further action (NFA) letter for the Source Property on February 10, 2003.

3.4 Further Action Determination (Ecology, June 2006)

On June 9, 2006, Ecology rescinded the no further action letter it issued for the Source Property in 2003, and replaced it with a letter stating that further remedial action was necessary at the Southgate Oil Site because of the potential for diesel to migrate off the Source Property to the north. In addition, Ecology noted that because the previously completed cleanup stopped short of the northern boundary of Source Property, an environmental covenant may be needed to address the remaining contamination.

3.5 Phase II Environmental Site Assessment (GeoEngineers, September 2018)

According to a report prepared by GeoEngineers, Inc., dated September 2018, Sound Transit conducted a Phase II Environmental Site Assessment of the Source Property (Southgate Phase II ESA). The purpose of the Southgate Phase II ESA was to evaluate the recognized environmental conditions identified in a Phase I ESA for the Source Property prepared by GeoEngineers, dated March 2017.

GeoEngineers collected soil samples from twelve borings advanced on the Source Property at depths between 11 and 30.5 feet bgs, as indicated in Figure 4, Appendix A. Contaminants of concern, including DRO and GRO, were detected at concentrations greater than MTCA Method A cleanup levels in soil samples collected from seven of the twelve borings. DRO was detected above cleanup levels in all seven borings at depths ranging from 1.5 feet bgs to 21 feet bgs. GRO was detected above cleanup levels in one of the borings at a depth of 0.5 feet bgs to 1.5 feet bgs.

4.0 INVESTIGATIONS COMPLETED AT AFFECTED PROPERTY

4.1 Focused Subsurface Investigation (ECI, December 2017)

In November 2017, ECI conducted a Focused Subsurface Investigation (FSI) on the Affected Property to evaluate whether soil or groundwater beneath the Affected Property had been impacted by historical activities conducted on or adjacent to the Affected Property, including the bulk fuel distribution facility that formerly operated on the Source Property. Four soil borings were advanced along the southern boundary of the Affected Property (B9, B10, B12, and B13), as indicated on Figure 4, Appendix A.

Soil samples from these borings were analyzed for DRO, GRO, ORO, and benzene, toluene, ethylbenzene, and total xylenes (BTEX). DRO was detected at a concentration of 8,800 mg/kg in the soil sample collected from boring B13 at a depth of 8 feet bgs (Figure 4, Appendix A), which exceeded the MTCA Method A cleanup level for DRO of 2,000 mg/kg. The soil in the sample exhibited a blue-gray tint and had an accompanying petroleum odor. GRO was also detected in the soil sample at a concentration exceeding the MTCA Method A cleanup level, but the result was flagged and noted by the laboratory as being attributable to the overlap with DRO and not representative of GRO. No other contaminants of concern were detected in the soil samples analyzed from the FSI. The analytical results of the FSI are summarized in Table 5, Appendix B, and the laboratory analytical reports are included in Appendix C.

Boring B13 was located directly north of a soil sample collected by GeoEngineers from the Source Property as part of the Southgate Phase II ESA from a boring (FL209-B11) at a depth of 3 to 4 feet bgs. The soil contained DRO at a concentration of 8,400 mg/kg, which exceeds the MTCA Method A cleanup level. The analytical results of the GeoEngineers' soil sample is provided in Table 1 of the Southgate Phase II ESA.

4.2 Phase II Environmental Site Assessment (GeoEngineers, September 2018)

In September 2018, GeoEngineers conducted a Phase II Environmental Site Assessment of the Affected Property for Sound Transit in anticipation of Sound Transit acquiring portions of the Affected Property for the construction of a planned rail line (Muscatel Phase II ESA). In the course of the Muscatel Phase II ESA, GeoEngineers collected 65 soil samples from the Affected Property and analyzed them for potential contaminants related to historical activities conducted on or adjacent to the Affected Property.

The Muscatel Phase II ESA identified contaminants of concern in three separate areas on the Affected Property. Only one of these, in and around boring FL207-B18, had any potential nexus to the Source Property. DRO was detected in a soil sample collected at a depth of 0.5 to 1-foot bgs from boring FL207-B18, as depicted on Figure 4 of this CAR, at a concentration of 3,000 mg/kg. ORO was also detected in soil samples collected from this boring at depths of 0.5 to 6 feet bgs, but at concentrations below the MTCA Method A cleanup level. GeoEngineers noted that the DRO detected in boring FL207-B18 was located near the soil contamination known to remain on the Source Property. The analytical results are presented in Table 1 of the Muscatel Phase II ESA.

4.3 Supplemental Focused Subsurface Investigation (ECI, March 2019)

On February 26 and 27, 2019, after completion of the first phase of the cleanup action described in Section 7.0, ECI conducted a Supplemental FSI (SFSI) on the Affected Property to explore the three areas of concern identified by GeoEngineers in the Muscatel Phase II ESA. Construction Group International (CGI) assisted in the investigation by excavating three test pits on the Affected Property under the direction of an ECI environmental professional.

CGI excavated Test Pit 2 near the boundary between the Source Property and the Affected Property in the location of boring FL207-B18. Boring FL207-B18 was depicted in a figure to the Muscatel Phase II ESA as being located approximately 145 feet from the sidewalk on the western boundary of the Affected Property and 13 feet from the retaining wall on the southern boundary of the Affected Property. During excavation of Test Pit 2, it became apparent that the location of boring FL207-B18 was not correctly depicted on the figure and the boring was actually advanced further to the east. Test Pit 2 was expanded in that direction. Test Pit 2 was excavated to a depth of 1.5 feet bgs.

During the excavation of Test Pit 2, field screening methods did not indicate the presence of soil contamination. Six soil samples were collected from Test Pit 2 and were analyzed for DRO and ORO. Samples were collected from each of the four sidewalls at a depth of 1-foot bgs, and two samples were collected from the bottom of the excavation at a depth of 1-foot bgs. Neither DRO nor ORO were detected in any of the samples at concentrations exceeding the laboratory reporting limit. After the analytical results were received, Test Pit 2 was backfilled with clean soil from the excavation.

During the course of the Supplemental FSI, ECI learned that utility trenching had been performed in the vicinity of Test Pit 2 after GeoEngineers' investigation in September 2018, and that soil removed as part of the utility work had been replaced with new fill material. Based on this information and the analytical results of the samples collected from Test Pit 2, it is possible that the utility work resulted in the excavation and off-site disposal of the soil contamination reported by GeoEngineers in the Muscatel Phase II ESA.

5.0 CONCEPTUAL SITE MODEL

This section provides a summary of the conceptual site model, which includes a discussion of the contaminants of concern (COCs), the media of concern, and the potential exposure pathways for the Site.

5.1 Contaminants of Concern

Based on the results of previous environmental investigations completed on the Source Property and Affected Property, the COCs for the portion of the Site on the Affected Property are DRO, GRO, and ORO.

5.2 Media of Concern

Based upon the results of previous environmental investigations completed on the Source Property and Affected Property, soil is the only environmental medium of concern for the Site. Groundwater is not a medium of concern because of the significant vertical separation between the groundwater table and the deepest contaminated soil at the Site.

5.3 Distribution of Contamination

The results of previous environmental investigations completed on the Source Property and Affected Property identified DRO in soil on both the Source Property and Affected Property at concentrations exceeding MTCA Method A cleanup levels. The contaminated soil was located along the boundary between the Source Property and the Affected Property. The extent of the contaminated soil on the Source Property is unknown. The extent of the contamination soil on the Affected Property appeared to be limited to a small area near the boundary it shares with the Source Property.

5.4 Exposure Pathways

As defined in WAC 173-340-200, an exposure pathway describes the mechanism by which a hazardous substance moves or could move from a source or contaminated medium to an exposed receptor. Those pathways that are complete need to be addressed by any cleanup action taken at the Site. The exposure pathways are summarized below.

5.4.1 Soil

Potential soil exposure pathways at the portion of the Site on the Affected Property include direct ingestion of, or dermal contact with, hazardous substances in soil by visitors, residents, and workers. This pathway is considered complete because the contamination is located within 15 feet of the ground surface. According to Ecology, 15 feet represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of Site development activities.

5.4.2 Groundwater

Groundwater is not considered an exposure pathway at the portion of the Site on the Affected Property. Groundwater was not encountered in any borings or excavations up to a depth of 30 feet bgs conducted as part of the investigation of the Affected Property. A Phase I ESA conducted for Sound Transit in March 2018 indicates that groundwater was observed at depths of 58 and 78 feet bgs in two geotechnical borings advanced approximately 60 feet east and 100 feet southeast of the Affected Property. Therefore, the groundwater pathway is incomplete and not a concern at the portion of the Site located on the Affected Property.

5.4.3 Air

Potential air exposure pathways are inhalation of hazardous substances in soil or vapors by visitors, residents, and workers. The air pathway is considered incomplete because the portion of the Site on the Affected Property is paved, GRO was not detected in soil near the existing building, and DRO and ORO, which were detected closer to the building, are not considered volatile.

5.4.4 Surface Water

Potential surface water exposure pathways include direct ingestion of, or dermal contact with, hazardous substances in the surface water by visitors, residents, and workers. The portion of the Site on the Affected Property is paved, and surface water is collected in catch basins on the Affected Property. It is then conveyed to the City of Kent stormwater system. The surface water pathway is considered incomplete because the contaminated soil at the Affected Property is covered by pavement and surface water is not in contact with the contaminated soil.

5.4.5 Terrestrial

ECI has completed a Terrestrial Ecological Evaluation (TEE) form for the Affected Property. The Affected Property qualifies for an exclusion from further evaluation based on the fact that there is less than 1½ acres of contiguous undeveloped land within 500 feet of the Affected Property. The completed TEE form is included in Appendix D.

5.5 Potential Receptors

Potential receptors to exposure to the COCs at the portion of the Site on the Affected Property are limited to construction workers performing excavation activities in the portion of the Site located on the Affected Property.

6.0 CLEANUP STANDARDS

Cleanup standards consist of cleanup levels and points of compliance at which the cleanup levels must be attained.

6.1 Cleanup Levels

Pursuant to MTCA, Ecology has established procedures for developing cleanup levels and requirements for cleanup actions. The Cleanup Regulations provide three approaches for establishing cleanup levels:

- **Method A: ARARs and Tables.** This method is to be used where the cleanup action is routine and involves relatively few hazardous substances. The soil and groundwater cleanup levels are set at concentrations at least as stringent as concentrations specified in applicable state and federal laws, and applicable or relevant and appropriate requirements (ARARs), and are presented in Tables 720-1, 740-1, and 745-1 of the regulations (WAC 173-340).

- **Method B: Universal Method**. Method B is the "universal method" for determining cleanup levels for all media at all sites. Under Method B, cleanup levels for individual hazardous substances are established using applicable state and federal laws and the risk equations and other requirements specified in WAC 173-340. Method B has two tiers, a "Standard" tier and a "Modified" tier. The "Standard" tier uses generic default assumptions to calculate cleanup levels. The "Modified" tier provides for the use of chemical-specific or site-specific information to change selected default assumptions. These can be established using a quantitative risk assessment process.

- **Method C: Conditional Method**. When compliance with cleanup levels developed under Method A or B are impossible to achieve or may cause greater environmental harm, Method C cleanup levels for individual hazardous substances may be established. Method C cleanup levels may also be established at industrial properties that meet specific criteria. Like Method B, Method C is divided into two tiers, a "Standard" and a "Modified" tier. The "Standard" tier uses generic default assumptions to calculate cleanup levels. The "Modified" tier provides for the use of chemical-specific or site-specific information to change selected default assumptions. These can be established using a quantitative risk assessment process.

ECI has determined that Method A cleanup levels are appropriate for the Affected Property. There are a limited number of COCs at the portion of the Site located on the Affected Property, the area of contamination is limited, and the cleanup action is routine. The MTCA Method A soil cleanup levels for the COCs are presented in the following table:

Table 2: Cleanup Levels for the Contaminants of Concern (COC)

Contaminant	Analytical Method	Soil MTCA Method A CULs (mg/kg)
Primary Contaminants of Concern - Petroleum Hydrocarbons		
Diesel-range Organics (DRO)	NWTPH-Dx	2000
Oil-range Organics (ORO)	NWTPH-Dx	2000
Secondary Contaminants of Concern - Carcinogenic Polycyclic Aromatic Hydrocarbons (cPAHs)		
Benzo (a) anthracene	EPA 8270	--
Chrysene	EPA 8270	--
Benzo (b) fluoranthene	EPA 8270	--
Benzo (k) fluoranthene	EPA 8270	--
Benzo (a) pyrene*	EPA 8270	0.1
dibenzo(a,h)anthracene	EPA 8270	--
Indeno (1,2,3-cd) pyrene	EPA 8270	--

MTCA = Model Toxics Control Act

*The MTCA Method A Cleanup Level for cPAHs is based on a total toxic equivalent concentration (TEQ) calculation which compares the toxicity of individual cPAH compounds and presents them as a number equivalent to benzo(a)pyrene.

6.2 Point of Compliance

WAC 173-340-740 indicates that the point of compliance is where the cleanup levels for each media of concern shall be attained. Because soil is the only environmental medium of concern at the Affected Property, the point of compliance is based on protection of human exposure. The point of compliance for soil based on protection of human exposure is defined in WAC 173-340-740(6)(d), which states:

> *"For soil cleanup levels based on human exposure via direct contact or other exposure pathways where contact with the soil is required to complete the pathway, the point of compliance shall be established in the soils throughout the site from the ground surface to fifteen feet below the ground surface. This represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of site development activities."*

7.0 CLEANUP ACTION

Based on the distribution of the contamination at the Affected Property, a cleanup action was chosen with the following goals and objectives:

- Excavation and removal of contaminated soil to the greatest extent possible;
- Prevention of recontamination of the Affected Property from contamination remaining on the Source Property;
- If contaminated soil remains on the Affected Property after completion of the cleanup action, recording of an environmental covenant against title to the Property to provide notice of the residual contamination and to prohibit disturbance or exposure of the residual contamination without advance notice to Ecology.

7.1 Model Remedy Selected as Cleanup Action

To meet the goals and objectives mentioned above, a model remedy was selected to serve at the cleanup action for the portion of the Site on the Affected Property. The model remedy is set forth in the Ecology publication, "*Model Remedies for Sites with Petroleum Contaminated Soils*" published in September 2015, and is identified as Model Remedy 3. Model Remedy 3 can be used when all of the following factors are met:

- Petroleum hydrocarbons are the only COCs;
- The only medium of concern is soil;
- Method A soil cleanup levels for unrestricted land uses are selected;
- Removal of contaminated soil will be completed to the greatest degree practicable;
- Any residual soil contamination that cannot be practicably removed will not impact other environmental media; and
- An environmental covenant will be recorded to provide notice of the residual soil contamination and to prohibit disturbance or exposure of the residual contamination without advance notice to Ecology.

Ecology sates that:

> *"Once the requirements for using a model remedy are met, it will not be necessary to conduct a Feasibility Study or Disproportionate Cost Analysis…"*

Because a model remedy has been selected for the cleanup action at the Affected Property, a feasibility study or disproportionate cost analysis in not needed.

7.2 Health and Safety

Prior to implementation of the cleanup action, a site-specific Health and Safety Plan (HASP) was prepared in accordance with Chapter 296-62 WAC and 29 CFR 1910.120 (Code of Federal Regulations). The HASP identified potential physical and chemical hazards and specified personal protection and safety

monitoring requirements. Health and safety meetings were conducted during fieldwork at the beginning of each workday to review aspects of the HASP, and to provide an opportunity for ECI workers and contractor personnel to discuss health and safety issues or concerns.

7.3 Project Permitting

ECI in cooperation with the excavation contractor, CGI, obtained disposal authorization from Republic Services Inc. (Republic Services) and obtained permission to dispose of contaminated soil at the "3rd and Lander Reload Facility" in Seattle, Washington. Soil disposal documentation is presented in Appendix E.

7.4 Excavation of PCS and Installation of Barrier to Recontamination

The cleanup action was completed in two phases. The first phase was undertaken in January 2019 to excavate and dispose of the contaminated soil identified on the Affected Property. The second phase occurred in September 2019 to characterize the residual contaminated soils observed along the boundary between the Source Property and the Affected Property and to install a continuous sheet of 14-mil PVC to prevent recontamination of the Affected Property from contamination remaining on that portion of the Source Property. The cleanup activities performed are described below.

7.4.1 January 2019

From January 21, 2019 to January 23, 2019, soil containing COCs at concentrations exceeding MTCA Method A cleanup levels was excavated to the greatest degree practicable from the area around boring B13 and transported to the Republic Services, 3rd and Lander Reload Facility in Seattle, Washington. ECI professionals used field screening tools (olfactory, visual, sheen, etc.) to guide the excavation activities.

Soil that exhibited a blue-gray tint and an accompanying petroleum odor was considered contaminated based on the analytical results of the soil sample collected from boring B13 that exhibited the same indications of contamination and was found to contain DRO at concentrations above MTCA Method A cleanup levels. The contaminated soil was segregated from soil that exhibited no evidence of contamination.

The remedial excavation, upon completion, extended approximately 30 feet from east to west, and 18 feet from south to north around boring B13, with a total depth ranging from 13 to 15 feet bgs (Figures 5 and 6, Appendix A). The remedial excavation terminated at the northern face of the retaining wall that separates the Source Property from the Affected Property in order to avoid compromising the structural integrity of the retaining wall. According to the bills of lading from Republic Services, approximately 166 tons of contaminated soil were removed from the Affected Property. Soil disposal documentation is provided in Appendix E.

7.4.1.1 Performance Monitoring and Classification of Soil

The remedial excavation was guided by performance monitoring, which consisted of field screening of soils using visual and olfactory observation, and performance sampling, which consisted of the collection and analysis of soil samples. ECI observed the color and odor of the soils as they were excavated. ECI

noted that the soil in and around boring B13, where DRO was detected at a concentration 8,800 mg/kg, had a blue-gray tint and an accompanying petroleum odor. Soil that exhibited the same characteristics was observed to extend from boring B13 to the retaining wall that separates the Affected Property and Source Property. The blue-gray soil was considered contaminated based on the analytical data from the soil sample collected from boring B13. The blue-gray soil was stockpiled and transported off the Affected Property for disposal at the Republic Services, 3rd and Lander Reload Facility in Seattle, Washington with final disposal completed at the Roosevelt Sub-Title D Landfill in Roosevelt, Washington.

As the remedial excavation progressed and the lateral and vertical limits of the blue-gray soil were reached, ECI noted that the soil was brown in color and did not exhibit an odor. ECI collected samples of the brown soil at the sidewalls and base of the excavation to evaluate whether the selected cleanup levels had been attained. In every instance, the soil samples were found not to contain COCs at concentrations above MTCA Method A cleanup levels.

7.4.1.2 Petroleum Contaminated Soil Excavation (EX1/A1/B1)

Delineation of the contaminated soil around boring B13 began by excavating an area (EX1) immediately to the west of boring B13 (Figure 4, Appendix A). The excavation was advanced to a depth of approximately 11 feet bgs. ECI professionals looked for field indicators of petroleum contaminated soil in the excavation, which included noting any odors or color changes in the soil. No such indicators were observed. A soil sample was collected at eight feet bgs (EX1-SSW-8) from the south sidewall. Neither DRO nor ORO were detected in the sample at concentrations above the laboratory reporting limits[1]. The analytical results for this sample are summarized in Table 5, Appendix B, and the laboratory analytical reports are included in Appendix C. Excavation Area EX1 is depicted on Figures 3, and 4 Appendix A.

Excavation of the suspect area identified petroleum contaminated soil that exhibited a blue-gray tint and an accompanying a strong petroleum odor. The petroleum contaminated soil identified was excavated and removed, except for the petroleum contaminated soil that was observed to remain on the southern sidewall of the excavation, under the retaining wall. This petroleum contaminated soil could not be removed without undermining the retaining wall.

Six soil samples were collected from the excavation, one from the bottom at a depth of 15 feet bgs, and five from the sidewalls at depths between 5 and 10 feet bgs. DRO was detected in three of the soil samples at concentrations above the laboratory reporting limit, but below the MTCA Method A cleanup level of 2,000 mg/kg. The results ranged from 120 mg/kg to 540 mg/kg. ORO was not detected in any of the soil samples at concentrations exceeding the laboratory reporting limit. The analytical results are summarized in Table 3 below, and the laboratory analytical reports are included in Appendix C.
Based on field observations of contaminated soil, ECI extended the excavation eastward from Excavation Area A1 in order to define the full lateral extent of the contamination. This portion of the excavation is

[1] A Reporting Limit (RL) is defined as the smallest concentration of a chemical that can be reported by a laboratory with certainty.

identified as Excavation Area B1 on Figures 3 and 4, Appendix A. The soil was excavated to a depth of 10 feet bgs.

Seven soil samples were collected from the excavation. DRO was not detected in any of the samples at concentrations exceeding MTCA Method A cleanup levels, but DRO was detected in one sample at a concentration of 56 mg/kg. ORO was not detected in any of the samples at concentrations exceeding laboratory reporting limits. The analytical results are summarized in Table 3 below, and the laboratory analytical reports are included in Appendix C.

7.4.1.4 Confirmational Sampling

ECI collected a total of 14 soil samples in the course of the excavation:

- Two from the bottom of the excavation at depths of approximately 10 and 15 feet bgs, respectively, and
- 12 from the sidewalls at depths between 5 and 10 feet bgs.

The samples were initially collected as performance samples in order to assess whether the remedial excavation had successfully removed the contaminated soil.

The samples were delivered to Friedman & Bruya of Seattle, Washington, an Ecology-accredited laboratory, under industry standard chain of custody protocols for analysis. All samples were analyzed for DRO and ORO by Method NWTPH-Dx Extended / EPA Method 8015. The excavation limits and soil sample locations are shown on Figures 4, 5 and 6, Appendix A. Table 3 below summarizes the sample results; the laboratory analytical reports are included in Appendix C.

Table 3: Summary of January 2019 Soil Sample Analytical Results

Sample ID	Depth (ft) bgs	Sample Date	Total Petroleum Hydrocarbons (mg/kg)	
			Diesel Range Organics[2]	Oil Range Organics[2]
EX1-SSW-8	8	1/21/2019	<50	<250
A1-B-15	15	1/22/2019	<50	<250
A1-NSW-10	10	1/22/2019	430	<250
A1-NSW-5	5	1/22/2019	<50	<250
A1-SSW-5	5	1/22/2019	540	<250
A1-WSW-10	10	1/22/2019	120	<250
A1-WSW-5	5	1/22/2019	<50	<250
B1-NSW-10	10	1/22/2019	<50	<250

Sample ID	Depth (ft) bgs	Sample Date	Total Petroleum Hydrocarbons (mg/kg)	
			Diesel Range Organics[2]	Oil Range Organics[2]
B1-SSW-10	10	1/22/2019	<50	<250
B1-SSW-5	5	1/22/2019	<50	<250
B1-B-10	10	1/22/2019	<50	<250
B1-NSW-5	5	1/22/2019	<50	<250
B1-ESW-5	5	1/22/2019	**56**	<250
B1-ESW-10	10	1/22/2019	<50	<250
Laboratory Reporting Limit			50	250
MTCA Method A Cleanup Level			2,000	2,000

Notes:
[2]Analyzed by Northwest Method NWTPH-D/Dx Extended
< = not detected above laboratory detection limits
Bold indicates a detected concentration that is below MTCA Method A cleanup levels

Other than in the central portion of the south sidewall, under the retaining wall, where soil with a blue-gray tint and petroleum odor remained, the analytical results indicated that MTCA Method A cleanup levels had been attained at the limits of the remedial excavation. The soil samples collected at the limits of the remedial excavation were therefore considered confirmational samples.

7.4.1.5 Restoration of Excavation

Upon completion, the excavation was backfilled to the original surface grade with imported clean, compactable fill. The excavation area was then repaved with asphalt.

7.4.2 September 2019

7.4.2.1 Excavation

In September 2019, ECI excavated a trench approximately 4 feet wide by 14 feet long (east west) along the southern boundary of the Affected Property to access the petroleum contaminated soil that was left in place under the retaining wall during excavation of Excavation Area A1 in January 2019. The location of the excavation was determined based on photographic evidence and measurements ECI had taken in January 2019. The excavation was conducted parallel to the retaining wall so as not to undermine it and compromise its structural integrity. Fill material that had been imported to the Property and placed in January 2019 was encountered in the excavation. The material was stockpiled for reuse. The location of the excavation is depicted on Figure 4, Appendix A.

7.4.2.1 Characterization of Contamination Along Property Boundary

Once the excavation was complete, six soil samples were collected from beneath the retaining wall along the southern boundary of the Affected Property. To ensure the samples were collected on the property boundary, measurements were taken from the bottom of the retaining wall and compared to the survey completed by Sound Transit in June 2019.

Each sample was collected using a small excavator to clear the sidewall surface soils. The excavator bucket teeth were decontaminated using trisodium phosphate and filtered water. The bucket was "reversed' and the sample was collected onto the bucket teeth. This process was repeated for each sidewall sample. Once extracted, the sample was removed from the excavator bucket and placed into a laboratory provided analyte specific sample container then placed into a climate-controlled container maintained at 4° Celsius. The sample locations are shown on Figures 5 and 6, Appendix A.

The soil samples were delivered to Friedman & Bruya of Seattle, Washington, an Ecology-accredited laboratory, under industry standard chain of custody protocols for analysis. All samples were analyzed for DRO and ORO by Method NWTPH-Dx Extended / EPA Method 8015, GRO by Method NWTPH-Gx, and BTEX by EPA Method 8021B. The sample with the highest DRO concentration, sample S6-6, was also analyzed for carcinogenic polycyclic aromatic hydrocarbons (cPAHs) as required by WAC 174-340-900, *Table 830-1- Required Testing for Petroleum Releases*. Tables 4a and 4b below summarizes the sample results; the laboratory analytical reports are included in Appendix C.

Table 4a: September 2019 Soil Sample Analytical Results-DRO, ORO, & Select VOCs

Sample ID	Depth (ft) bgs	Sample Date	Total Petroleum Hydrocarbons (mg/kg)			Select Volatile Organic Compounds[3] (mg/kg)			
			Diesel Range Organics[2]	Oil Range Organics[2]	Gasoline Range Organics[1]	Benzene	Toluene	Ethylbenzene	Total Xylenes
			Samples Reported in milligrams per kilogram (mg/kg)						
S1-10	10	9/3/2019	500	<250	85	<0.02	<0.02	<0.02	<0.06
S2-8	8	9/3/2019	2,300	<250	360	<0.02	<0.1	0.35	0.63
S3-11	11	9/3/2019	730	<250	320	<0.02	<0.1	<0.1	0.37
S4-3.5	3.5	9/3/2019	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
S5-6.5	6.5	9/3/2019	<50	<250	<5	<0.02	<0.02	<0.02	<0.06

Sample ID	Depth (ft) bgs	Sample Date	Total Petroleum Hydrocarbons (mg/kg)			Select Volatile Organic Compounds[3] (mg/kg)			
			Diesel Range Organics[2]	Oil Range Organics[2]	Gasoline Range Organics[1]	Benzene	Toluene	Ethylbenzene	Total Xylenes
			Samples Reported in milligrams per kilogram (mg/kg)						
S6-6.5	6.5	9/3/2019	4,000	<250	620	<0.02	<0.1	1.8	2.9
Laboratory Reporting Limit			50	250	10	0.02	0.02	0.02	0.06
MTCA-A Cleanup Level			2,000	2,000	100/30[4]	0.03	7	6	9

Table 5b: September 2019 Soil Sample Analytical Results-Polycyclic Aromatic Hydrocarbons

Sample ID	Sample Depth (ft)	Date Sampled	Carcinogenic Polycyclic Aromatic Hydrocarbons (mg/kg)							
			Benzo (a) anthracene	Chrysene	Benzo (a) pyrene	Benzo (b) fluoranthene	Benzo (k) fluoranthene	Indeno (1,2,3-cd) pyrene	Dibenz (a,h) anthracene	cPAHs TEQ as Benzo (a) Pyrene
S6-6.5	6.5	9/3/2019	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Laboratory Reporting Limit			0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01
MTCA-A Cleanup Level			NE	NE	NE	NE	0.1	NE	NE	0.1

Notes:

[1]Analyzed by Northwest Method NWTPH-Gx

[2]Analyzed by Northwest Method NWTPH-D/Dx Extended

[3]Analyzed by EPA Method 8021B

[4]Cleanup level with presence of benzene is 30 mg/kg; Without benzene present is 100 mg/kg

< = not detected above laboratory detection limits

Bold indicates a detected concentration that is below MTCA Method A cleanup levels

Bold and Red indicates the detected concentration exceeds MTCA Method A or B cleanup levels

7.4.2.1 Installation of Barrier to Recontamination

After the soil samples were collected, ECI placed a continuous sheet of 14-mil PVC across the entire length and depth of the excavation between the Affected Property and the Source Property, covering the

petroleum contaminated soil that remained under the retaining wall. The purpose of the plastic barrier is to prevent the migration of hazardous substances that remain on the Source Property and under the retaining wall onto the Affected Property. The location of the plastic barrier is shown on Figure 5, Appendix A.

7.4.2.2 Restoration of Excavation

Following soil excavation activities and placement of the barrier to recontamination, the excavation was backfilled to the original surface grade with imported clean, compactable fill. The excavation area was then repaved with asphalt.

7.5 Environmental Covenant

Because petroleum contaminated soil remains under the retaining wall, MTCA requires that an environmental covenant be recorded against the Affected Property to provide notice of the residual contamination and to prohibit disturbance or exposure of the residual contamination without advance notice to Ecology. A draft environmental covenant, which follows the template developed by Ecology, is included in Appendix F. Muscatel intends to execute and record the environmental covenant upon Ecology approval.

8.0 CONCLUSION

The cleanup action for the Affected Property consisted of:

- A remedial excavation and offsite disposal of contaminated soil,
- Installation of a barrier to recontamination of the Affected Property from contaminated soils, migrating from the Source Property, and
- Development of an environmental covenant that will be recorded against the Affected Property.

The remedial excavation was successful in excavating and removing the petroleum contaminated soil from the Affected Property, other than a small zone that could not be removed because it is located under a retaining wall that separates the Affected Property from the Source Property. The barrier to recontamination, consisting of a continuous sheet of 14-mil PVC, was installed along the northern face of the retaining wall to isolate and contain the petroleum contaminated soil that remains under the retaining wall. Because petroleum contaminated soil remains under the Affected Property, an environmental covenant will be recorded against the Affected Property to provide notice of the residual soil contamination and to prohibit disturbance or exposure of the residual contamination without advance notice to Ecology.

The cleanup action constitutes a final, permanent remedy for the portion of the Site on the Affected Property, and no further remedial action will be necessary for the portion of the Site on the Affected Property after the environmental covenant is executed and recorded against the Affected Property.

9.0 LIMITATIONS

Some clients, design professionals and contractors may not recognize that the geoscience practices (geotechnical engineering, geology, and environmental science) are far less exact than other engineering and natural science disciplines. This lack of understanding can create unrealistic expectations that could lead to disappointments, claims and disputes. EcoCon Inc. (ECI) includes these explanatory "limitations" provisions in our reports to help reduce such risks. Please confer with ECI if you are unclear how these "Report Limitations and Guidelines for Use" apply to your project or site.

9.1 Use of this Report by Others

This report was prepared for the exclusive use of Muscatel Midway Properties, LLC (Client) and/or their designated parties. This report may be provided to regulatory agencies for review if requested or required. No other party may rely on the product of our services unless we agree in advance to such reliance in writing. This is to provide our firm with reasonable protection against open-ended liability claims by third parties with whom there would otherwise be no contractual limits to their actions. Within the limitations of scope, schedule and budget, our services have been executed in accordance with our Agreement with the Client and generally accepted environmental practices in this area at the time this report was prepared.

This report has been prepared for subsurface investigation/remediation activities at the Affected Property. ECI considered a number of unique, project-specific factors when establishing the scope of services for this project and report. No one except our Client should rely on this report without first conferring with ECI. This report should not be applied for any purpose or project except the one originally contemplated.

Unless ECI specifically indicates otherwise, do not rely on this report if it was:

- Not prepared for you,
- Not prepared for your project,
- Not prepared for the specific area explored, or
- Completed before important area changes were made.

If important changes are made after the date of this report, ECI should be given the opportunity to review our interpretations and recommendations and provide written modifications or confirmation, as appropriate.

9.2 Uncertainty May Remain after Completion of Site Investigation and Remedial Activities

The investigation and remediation activities completed in a portion of a property cannot wholly eliminate uncertainty regarding the potential for contamination in connection with the entire property. Our interpretation of subsurface conditions described in this report is based on field observations and

chemical analytical data from the locations sampled. It is always possible that contamination exists in areas that were not explored, sampled, or analyzed.

9.3 Subsurface Conditions Can Change

This report is based on conditions that existed at the time this report was prepared. The findings and conclusions of this report may be affected by the passage of time, by manmade events such as construction on or adjacent to the site, by new releases of hazardous substances, or by natural events such as floods, earthquakes, slope instability or groundwater fluctuations. Always contact ECI before applying this report to determine if it is still applicable.

9.4 Soil and Groundwater End Use

The cleanup levels referenced in this report are site- and situation-specific and could change with time due to regulatory or site changes. The cleanup levels may not be applicable for other sites or for other on-site uses of the affected media (soil and/or groundwater).

Note that hazardous substances may be present in some of the soil and/or groundwater at detectable concentrations that are less than the referenced cleanup levels. Because these cleanup levels can change, ECI should be contacted to evaluate the potential for associated environmental liabilities prior to the export of soil or groundwater from the site or reuse of the affected media on the site. We cannot be responsible for potential environmental liability arising out of the transfer of soil and/or groundwater from the site to another location or its reuse on the site in instances that we were not aware of or could not control.

9.5 Most Environmental Findings Are Professional Opinions

Our interpretations of subsurface conditions are based on field observations and chemical analytical data from the locations sampled at the site. Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted, or samples are taken. ECI reviewed field and laboratory data and then applied our professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ – sometimes significantly – from those indicated in this report. This report and its conclusions and interpretations should not be construed as a warranty of the subsurface conditions.

10.0 REFERENCES

EcoCon Inc., 2017, *Focused Subsurface Investigation Report; 23418 Pacific Highway South, Kent, Washington*, December 2017.

GeoEngineers Inc., 2018, *Phase II Environmental Site Assessment Report, Sound Transit- Federal Way Link Extension Parcel FL-207, Former Dry Cleaner and Service Station, 23418 Pacific Highway South, Kent, Washington*, Prepared for the Puget Sound Regional Transit Authority, September 21, 2018.

GeoEngineers Inc., 2018, *Phase II Environmental Site Assessment Report, Sound Transit - Federal Way Link Extension Parcel Fl-209, Former Southgate Oil, 23428 Pacific Highway South, Kent, Washington 98032*, Prepared for the Puget Sound Regional Transit Authority, September 21, 2018.

King County Department of Assessments: https://blue.kingcounty.com/Assessor/eRealProperty/Dashboard.aspx?ParcelNbr=2500600465Washingt.

Sound Environmental Strategies, 2002, *Underground Storage Tank Decommissioning and Soil Remedial Report - DiGiovanni UST Decommissioning Project, 23428 Pacific Highway South, Kent, Washington*, February 25, 2002.

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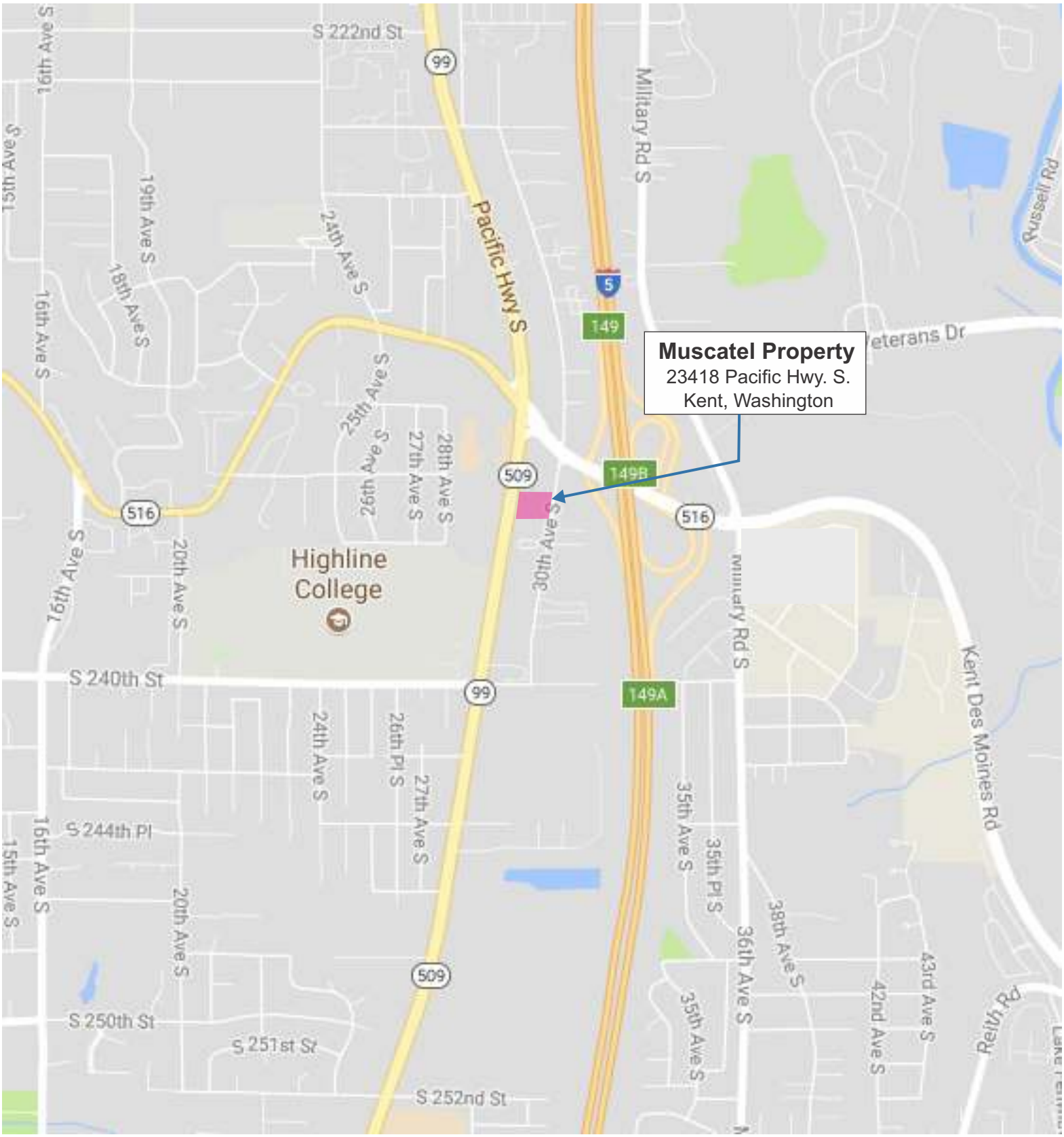
List of Appendices

Appendix A: Project Figures



N
Not To Scale

Muscatel Property Location Map
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 29, 2019
Completed By:	C. Long
Reviewed By:	S. Spencer
Version:	ECI-001
Project No.:	0673-01-01

Figure No.: 01
Sheet 01 of 06

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N
Not To Scale

Muscatel Property Topographic Map
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 29, 2019
Completed By:	C. Long
Reviewed By:	S. Spencer
Version:	ECI-001
Project No.:	0673-01-01

Figure No.: 02
Sheet 02 of 06

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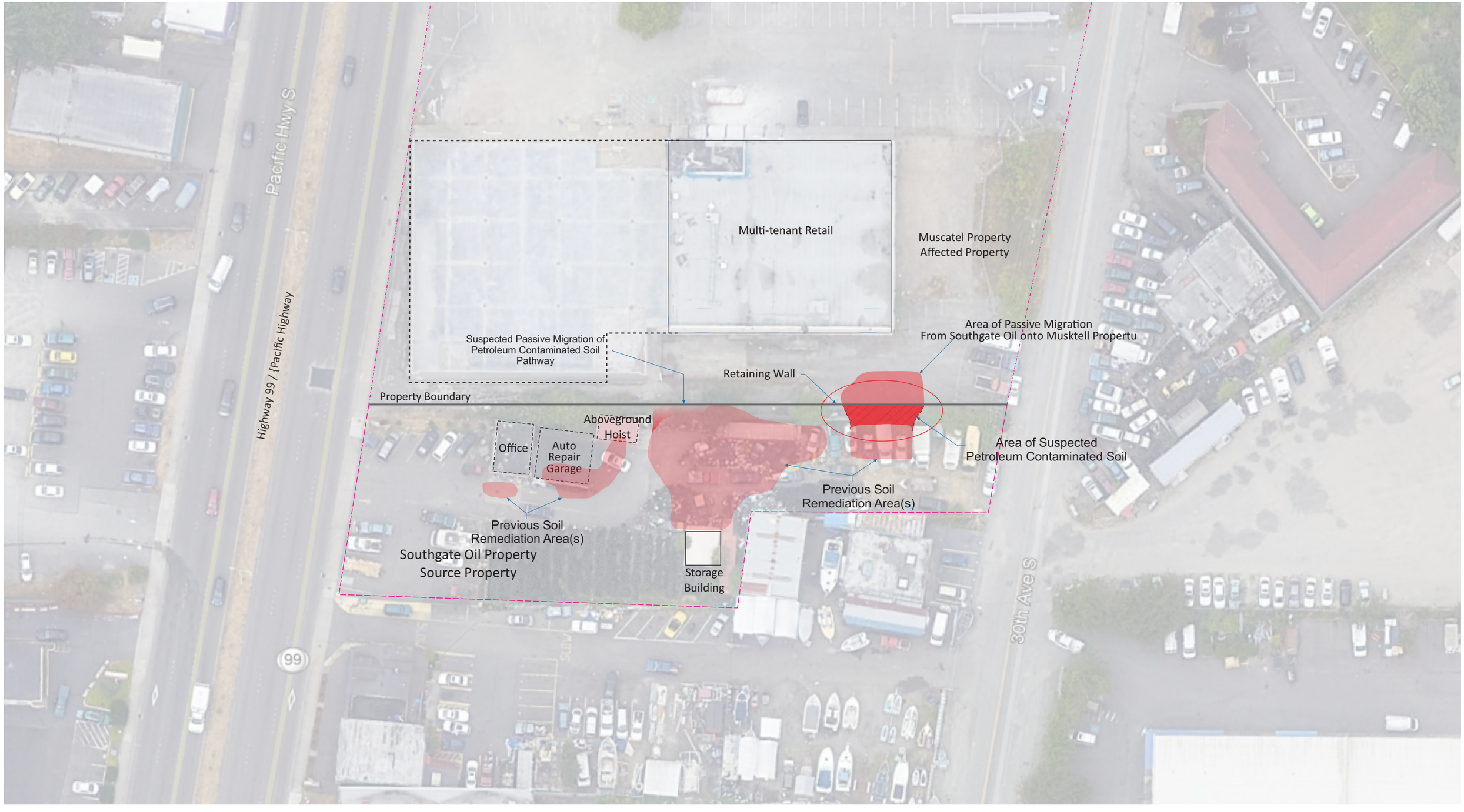

N

0 20 40 80

Approximate Scale In feet

Explanation

Location of previously reported contaminated soil

Location of remaining (known) contaminated soil

Site Map
Locations of Previous & Known Petroleum Contaminated Soil
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 29, 2019
Completed By:	C. Long
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Version:	ECI-001
Project No.:	0673-01-01

Figure No.: 03

Figure 03 of 06

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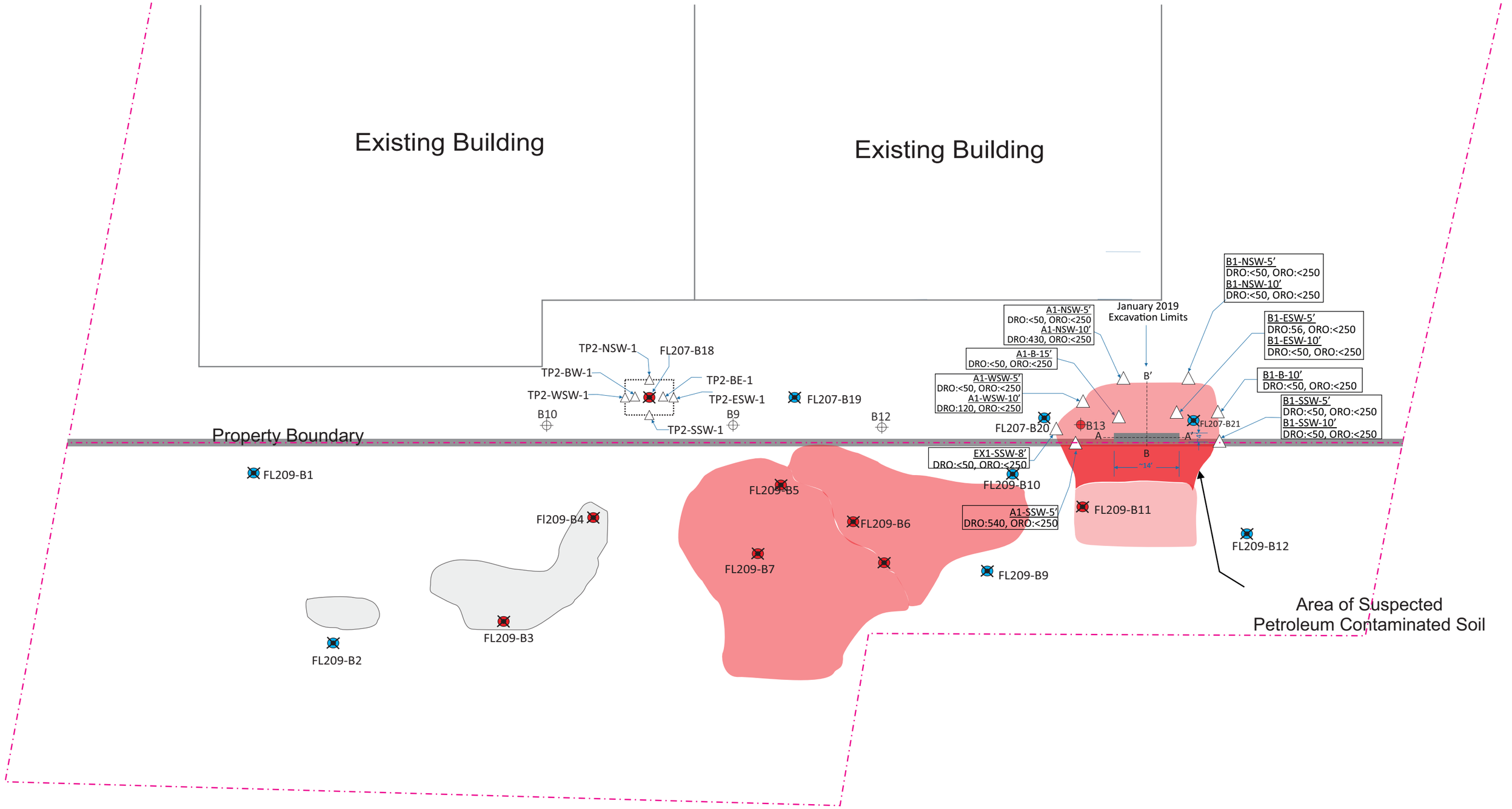

N

0 20 40 80

Approximate Scale In feet

Explanation

- ECI Previous Boring Location Below Cleanup Levels
- ECI Previous Boring Location Above Cleanup Levels
- GeoEngineers Sample Locations
- ECI Sample Location

Current & Historical Soil Sample Location Map
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 29, 2019
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Version:	ECI-001
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Figure 04 of 06

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Remedial Excavation Cross Section Looking South

E(A')

W(A)

Approximate Scale in Feet

Eastern Property Boundary Approximately 61' East

14'

Wall

B1-NSW-5'
DRO:<50, ORO:<250

S4-3.5
GRO:<5.0, DRO:<50,
ORO:<250, BTEX:ND,

A1-WSW-5'
DRO:<50, ORO:<250

A1-SSW-5'
DRO:540, ORO:<250

B1-SSW-5'
DRO:<50, ORO:<250

B1-ESW-10'
DRO:56, ORO:<250

A1-NSW-5'
DRO:<50, ORO:<250

S5-6.5
GRO:<5.0, DRO:<50,
ORO:<250, BTEX:ND,

Blue, Grey,
Contaminated Soil

S6-6.5
GRO:620, DRO:4,000
ORO:<250, BT:ND,
E:1.8, X:2.9

S2-8
GRO:360, DRO:2,300
ORO:<250, BT:ND,
E:0.35, X:0.63

EX1-SSW-8'
DRO:<50, ORO:<250

S1-10
GRO:85, DRO:500,
ORO:<250, BTEX:ND

B1-B-10'
DRO:<50, ORO:<250

A1-NSW-10'
DRO:430, ORO:<250

A1-WSW-10'
DRO:120, ORO:<250

B1-SSW-10'
DRO:<50, ORO<250

B1-NSW-10'
DRO:<50, ORO:<250

B1-ESW-10'
DRO:<50, ORO:<250

S3-11
GRO:320, DRO:730,
ORO:<250
BTE:ND, X:0.37

January 2019
Excavation Limit

September 2019
Excavation Limit

A1-B-15'
DRO:<50, ORO:<250

+2 +1 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Approximate Scale in Feet

Explanation

- Soil Sample Location
- September Excavation Limit
- Sample Above Cleanup Level
- January Excavation Limit
- Concrete Wall/Footing
- September Excavation Limit

GRO: Gasoline Range Organics
DRO: Diesel Range Organics
ORO: Oil Range Organics

B: Benzene
T: Toluene
E: Ethyl Benzene
X: Total Xylene

Cross-Section of Remedial Action
Cleanup Action Report
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 22, 2019
Completed By:	C. Long
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Version:	ECI-001
Project No.:	0673-01-04

Figure No.: 06

Figure 6 of 7

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Sample Depth Cross Section

S (B)

N(B')

18'

4'

Property Boundary

Concrete Retaining Wall

Surface Elevation

Sample Locations

Concrete Footing

S4-3.5

B1-SSW-5

A1-SSW-5

B1ESW-5

A1-WSW-5

A1-NSW-5

B1-NSW-5

S5-6.5

S6-6.5

EX1-SSW-8

S2-8

S1-10

B1-SSW-10

B1-ESW-10

B1-B-10

A1-WSW-10

A1-NSW-10

B1-NSW-10

S3-11

A1-B-15

Approximate Scale in Feet

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29

Approximate Scale in Feet

Explanation

- Soil Sample Location
- Sample Above Cleanup Level
- January Excavation Limit
- September Excavation Limit
- Property Boundary
- Contaminated Soil
- Barrier

Cross-Section of Remedial Action
Cleanup Action Report
23418 Pacific Hwy S
Kent, WA 98032

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Figure No.: 05

Figure 5 of 6

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Appendix B: Project Tables

Table 5: Summary of Soil Analytical Results

Table 5: Summary of Soil Analytical Results
Muscatel Midway Properties
23418 Pacific Highway South, Kent, WA

Sample ID	Depth (ft)	Sample Date	Total Petroleum Hydrocarbons (mg/kg)			Select Volatile Organic Compounds[3] (mg/kg)			
			Diesel Range Organics[2]	Oil Range Organics[2]	Gasoline Range Organics[1]	Benzene	Toluene	Ethylbenzene	Total Xylenes
Previous Focused Subsurface Investigation (FSI) Results									
B9-7	7	11/21/2017	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
B9-10	10	11/21/2017	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
B10-7	7	11/21/2017	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
B10-10	10	11/21/2017	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
B12-7	7	11/21/2017	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
B12-10	10	11/21/2017	<50	<250	<5	<0.02	<0.02	<0.02	<0.06
B13-8	8	11/21/2017	**8,800**	<250	**170***	<0.02	<0.02	<0.02	<0.06
B13-10	10	11/21/2017	**1,100**	<250	**21**	<0.02	<0.02	<0.02	<0.06
CAR - Remediation Excavation Results									
EX1-SSW-8	8	1/21/2019	<50	<250	--	--	--	--	--
A1-B-15	15	1/22/2019	<50	<250	--	--	--	--	--
A1-NSW-10	10	1/22/2019	**430**	<250	--	--	--	--	--
A1-NSW-5	5	1/22/2019	<50	<250	--	--	--	--	--
A1-SSW-5	5	1/22/2019	**540**	<250	--	--	--	--	--
A1-WSW-10	10	1/22/2019	**120**	<250	--	--	--	--	--
A1-WSW-5	5	1/22/2019	<50	<250	--	--	--	--	--
B1-NSW-10	10	1/22/2019	<50	<250	--	--	--	--	--
B1-SSW-10	10	1/22/2019	<50	<250	--	--	--	--	--
B1-SSW-5	5	1/22/2019	<50	<250	--	--	--	--	--
B1-B-10	10	1/22/2019	<50	<250	--	--	--	--	--
B1-NSW-5	5	1/22/2019	<50	<250	--	--	--	--	--
B1-ESW-5	5	1/22/2019	**56**	<250	--	--	--	--	--
B1-ESW-10	10	1/22/2019	<50	<250	--	--	--	--	--
Laboratory Reporting Limit			50	250	5	0.02	0.02	0.02	0.06
MTCA Method A Cleanup Level			2000	2000	100/30[4]	0.03	7	6	9

Notes:
[1]Gasoline range total petroleum hydrocarbons (TPH). Analyzed by Northwest Method NWTPH-Gx.
[2]Analyzed by Northwest Method NWTPH-D/Dx Extended
[3]Select Volatile Organic Compounds. Analyzed by EPA Method 8021B.
[4] Cleanup level with presence of benzene 30 mg/kg; Without benzene present on the Site 100 mg/kg
mg/kg = Milligrams per kilogram
MTCA = Model Toxics Control Act
-- = Not analyzed
< = not detected above laboratory detection limits
Bold indicates a detected concentration that is below Ecology MTCA Method A Cleanup Levels
Bold and Red indicates the detected concentration exceeds Ecology MTCA Method A or B Cleanup Levels

Appendix C: Laboratory Data Sheets

Appendix: C
Laboratory Data Sheets

FRIEDMAN & BRUYA, INC.

ENVIRONMENTAL CHEMISTS

James E. Bruya, Ph.D.
Yelena Aravkina, M.S.
Michael Erdahl, B.S.
Arina Podnozova, B.S.
Eric Young, B.S.

3012 16th Avenue West
Seattle, WA 98119-2029
(206) 285-8282
fbi@isomedia.com
www.friedmanandbruya.com

September 11, 2019

Stephanie Holt, Project Manager
EcoCon, Inc.
P.O. Box 153
Fox Island, WA 98333

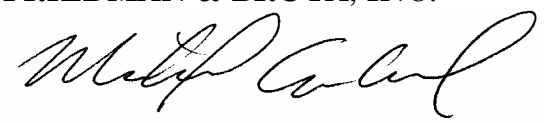
Dear Ms Holt:

Included are the results from the testing of material submitted on September 4, 2019 from the 0673-01-04, F&BI 909040 project. There are 6 pages included in this report. Any samples that may remain are currently scheduled for disposal in 30 days, or as directed by the Chain of Custody document. If you would like us to return your samples or arrange for long term storage at our offices, please contact us as soon as possible.

We appreciate this opportunity to be of service to you and hope you will call if you have any questions.

Sincerely,

FRIEDMAN & BRUYA, INC.



Michael Erdahl
Project Manager

Enclosures
c: Steve Spencer
EMS0911R.DOC

CASE NARRATIVE

This case narrative encompasses samples received on September 4, 2019 by Friedman & Bruya, Inc. from the EcoCon 0673-01-04, F&BI 909040 project. Samples were logged in under the laboratory ID's listed below.

Laboratory ID	EcoCon
909040 -01	S1-10
909040 -02	S2-8
909040 -03	S3-11
909040 -04	S4-3.5
909040 -05	S5-6.5
909040 -06	S6-6.5

All quality control requirements were acceptable.

Date of Report: 09/11/19
Date Received: 09/04/19
Project: 0673-01-04, F&BI 909040
Date Extracted: 09/09/19
Date Analyzed: 09/09/19

RESULTS FROM THE ANALYSIS OF SOIL SAMPLES FOR BENZENE, TOLUENE, ETHYLBENZENE, XYLENES AND TPH AS GASOLINE USING METHODS 8021B AND NWTPH-Gx

Results Reported on a Dry Weight Basis
Results Reported as mg/kg (ppm)

Sample ID Laboratory ID	Benzene	Toluene	Ethyl Benzene	Total Xylenes	Gasoline Range	Surrogate (% Recovery) (Limit 50-150)
S1-10 909040-01	<0.02	<0.02	<0.02	<0.06	85	98
S2-8 909040-02 1/5	<0.02 j	<0.1	0.35	0.63	360	96
S3-11 909040-03 1/5	<0.02 j	<0.1	<0.1	0.37	320	91
S6-6.5 909040-06 1/5	<0.02 j	<0.1	1.8	2.9	620	99
Method Blank 09-2205 MB	<0.02	<0.02	<0.02	<0.06	<5	84

Date of Report: 09/11/19
Date Received: 09/04/19
Project: 0673-01-04, F&BI 909040
Date Extracted: 09/06/19
Date Analyzed: 09/06/19

RESULTS FROM THE ANALYSIS OF SOIL SAMPLES FOR TOTAL PETROLEUM HYDROCARBONS AS DIESEL AND MOTOR OIL USING METHOD NWTPH-Dx

Results Reported on a Dry Weight Basis
Results Reported as mg/kg (ppm)

Sample ID Laboratory ID	Diesel Range (C_{10}-C_{25})	Motor Oil Range (C_{25}-C_{36})	Surrogate (% Recovery) (Limit 53-144)
S1-10 909040-01	500	<250	99
S2-8 909040-02	2,300	<250	108
S3-11 909040-03	730	<250	111
S6-6.5 909040-06	4,000	<250	111
Method Blank 09-2195 MB	<50	<250	110

Date of Report: 09/11/19
Date Received: 09/04/19
Project: 0673-01-04, F&BI 909040

QUALITY ASSURANCE RESULTS FOR THE ANALYSIS OF SOIL SAMPLES FOR BENZENE, TOLUENE, ETHYLBENZENE, XYLENES, AND TPH AS GASOLINE USING EPA METHOD 8021B AND NWTPH-Gx

Laboratory Code: 908575-31 (Duplicate)

Analyte	Reporting Units	Sample Result (Wet Wt)	Duplicate Result (Wet Wt)	RPD (Limit 20)
Benzene	mg/kg (ppm)	<0.02	<0.02	nm
Toluene	mg/kg (ppm)	<0.02	<0.02	nm
Ethylbenzene	mg/kg (ppm)	<0.02	<0.02	nm
Xylenes	mg/kg (ppm)	<0.06	<0.06	nm
Gasoline	mg/kg (ppm)	<5	<5	nm

Laboratory Code: Laboratory Control Sample

Analyte	Reporting Units	Spike Level	Percent Recovery LCS	Acceptance Criteria
Benzene	mg/kg (ppm)	0.5	88	69-120
Toluene	mg/kg (ppm)	0.5	93	70-117
Ethylbenzene	mg/kg (ppm)	0.5	104	65-123
Xylenes	mg/kg (ppm)	1.5	103	66-120
Gasoline	mg/kg (ppm)	20	100	71-131

Date of Report: 09/11/19
Date Received: 09/04/19
Project: 0673-01-04, F&BI 909040

QUALITY ASSURANCE RESULTS FROM THE ANALYSIS OF SOIL SAMPLES FOR TOTAL PETROLEUM HYDROCARBONS AS DIESEL EXTENDED USING METHOD NWTPH-Dx

Laboratory Code: 909040-01 (Matrix Spike)

Analyte	Reporting Units	Spike Level	Sample Result (Wet Wt)	Percent Recovery MS	Percent Recovery MSD	Acceptance Criteria	RPD (Limit 20)
Diesel Extended	mg/kg (ppm)	5,000	480	98	84	64-133	15

Laboratory Code: Laboratory Control Sample

Analyte	Reporting Units	Spike Level	Percent Recovery LCS	Acceptance Criteria
Diesel Extended	mg/kg (ppm)	5,000	98	58-147

Data Qualifiers & Definitions

a - The analyte was detected at a level less than five times the reporting limit. The RPD results may not provide reliable information on the variability of the analysis.

b - The analyte was spiked at a level that was less than five times that present in the sample. Matrix spike recoveries may not be meaningful.

ca - The calibration results for the analyte were outside of acceptance criteria. The value reported is an estimate.

c - The presence of the analyte may be due to carryover from previous sample injections.

cf - The sample was centrifuged prior to analysis.

d - The sample was diluted. Detection limits were raised and surrogate recoveries may not be meaningful.

dv - Insufficient sample volume was available to achieve normal reporting limits.

f - The sample was laboratory filtered prior to analysis.

fb - The analyte was detected in the method blank.

fc - The analyte is a common laboratory and field contaminant.

hr - The sample and duplicate were reextracted and reanalyzed. RPD results were still outside of control limits. Variability is attributed to sample inhomogeneity.

hs - Headspace was present in the container used for analysis.

ht – The analysis was performed outside the method or client-specified holding time requirement.

ip - Recovery fell outside of control limits due to sample matrix effects.

j - The analyte concentration is reported below the lowest calibration standard. The value reported is an estimate.

J - The internal standard associated with the analyte is out of control limits. The reported concentration is an estimate.

jl - The laboratory control sample(s) percent recovery and/or RPD were out of control limits. The reported concentration should be considered an estimate.

js - The surrogate associated with the analyte is out of control limits. The reported concentration should be considered an estimate.

lc - The presence of the analyte is likely due to laboratory contamination.

L - The reported concentration was generated from a library search.

nm - The analyte was not detected in one or more of the duplicate analyses. Therefore, calculation of the RPD is not applicable.

pc - The sample was received with incorrect preservation or in a container not approved by the method. The value reported should be considered an estimate.

ve - The analyte response exceeded the valid instrument calibration range. The value reported is an estimate.

vo - The value reported fell outside the control limits established for this analyte.

x - The sample chromatographic pattern does not resemble the fuel standard used for quantitation.

909040

SAMPLE CHAIN OF CUSTODY

ME 09-04-19

VS1/A02

Page # 1 of 1

Report To Stephanie Holt

Company ECI

Address P.O. Box 153

City, State, ZIP Fox Island, WA

Phone 479-426-1489 Email Stephanie@alleci.com
davidr@alleci.com

SAMPLERS (signature) Stephanie Holt / David R. Roke

PROJECT NAME: 0673-01-04

PO #:

REMARKS:

INVOICE TO:

TURNAROUND TIME
- ☒ Standard Turnaround
- ☐ RUSH
- Rush charges authorized by:

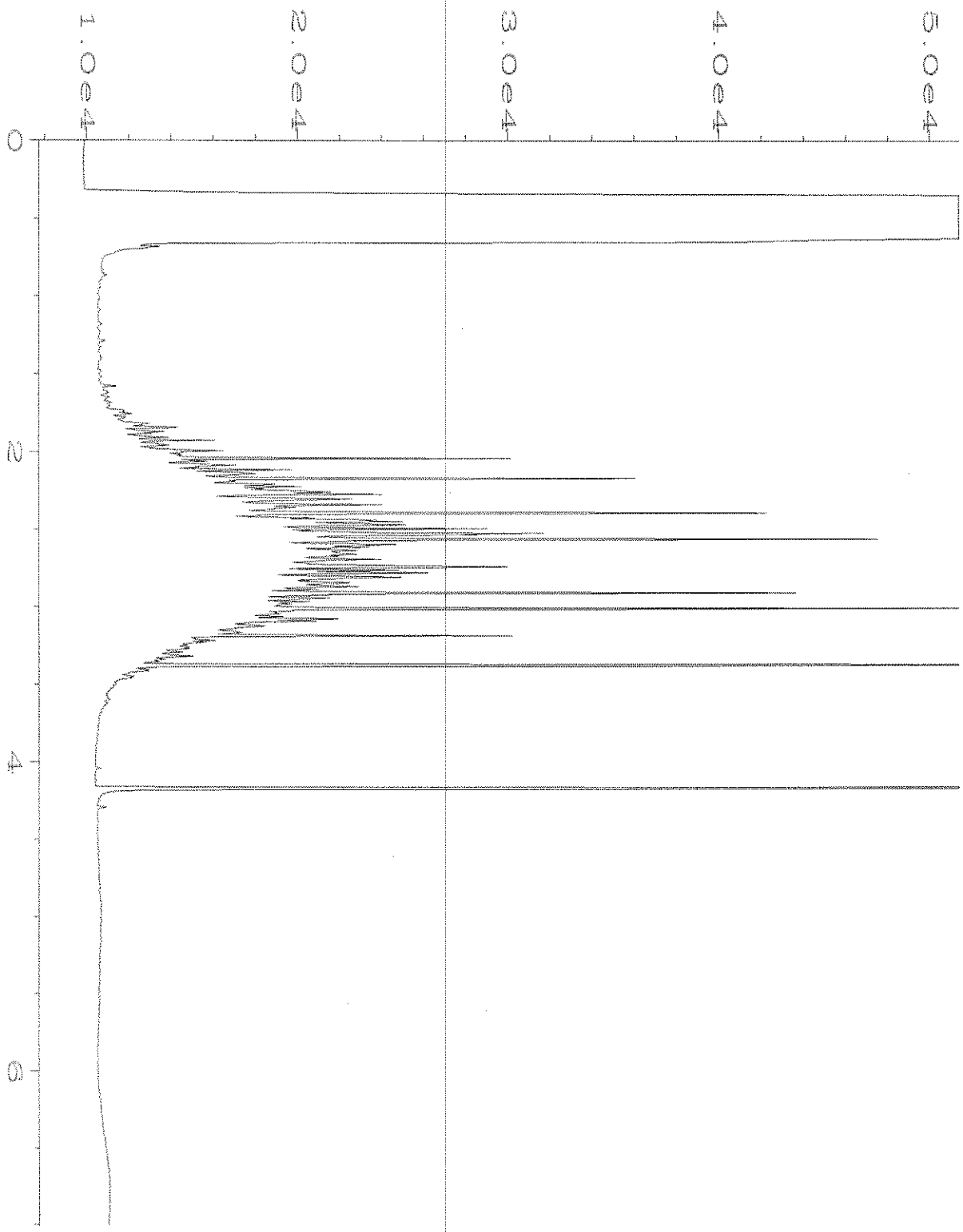
SAMPLE DISPOSAL
- ☐ Dispose after 30 days
- ☐ Archive Samples
- ☐ Other

Sample ID	Lab ID	Date Sampled	Time Sampled	Sample Type	# of Jars	TPH-HCID	TPH-Diesel/oil	TPH-Gasoline	BTEX by 8021B	VOCs by 8260C	SVOCs by 8270D	PAHs 8270D SIM					Notes
S1-10	01A-C	9/3/19	10:25	Soil	4oz +2voa		X	X	X								odor PID 168
S2-8	02		10:40														strong odor PID 428
S3-11	03		10:58														odor PID 263
S4-3.5	04		11:10														Hold
S5-6.5	05		11:18														Hold
S6-6.5	06		11:25														strong odor PID 588

Samples received at 5 °C

SIGNATURE	PRINT NAME	COMPANY	DATE	TIME
Relinquished by: Stephanie Holt	Stephanie Holt	ECI	9/4/19	13:02
Received by: Roke	ROKE	Fedex SDC	4Sep19	1302
Relinquished by:				
Received by: DO KO	DO KO	FOBE	9-4-19	15.10

Friedman & Bruya, Inc.
3012 16th Avenue West
Seattle, WA 98119-2029
Ph. (206) 285-8282



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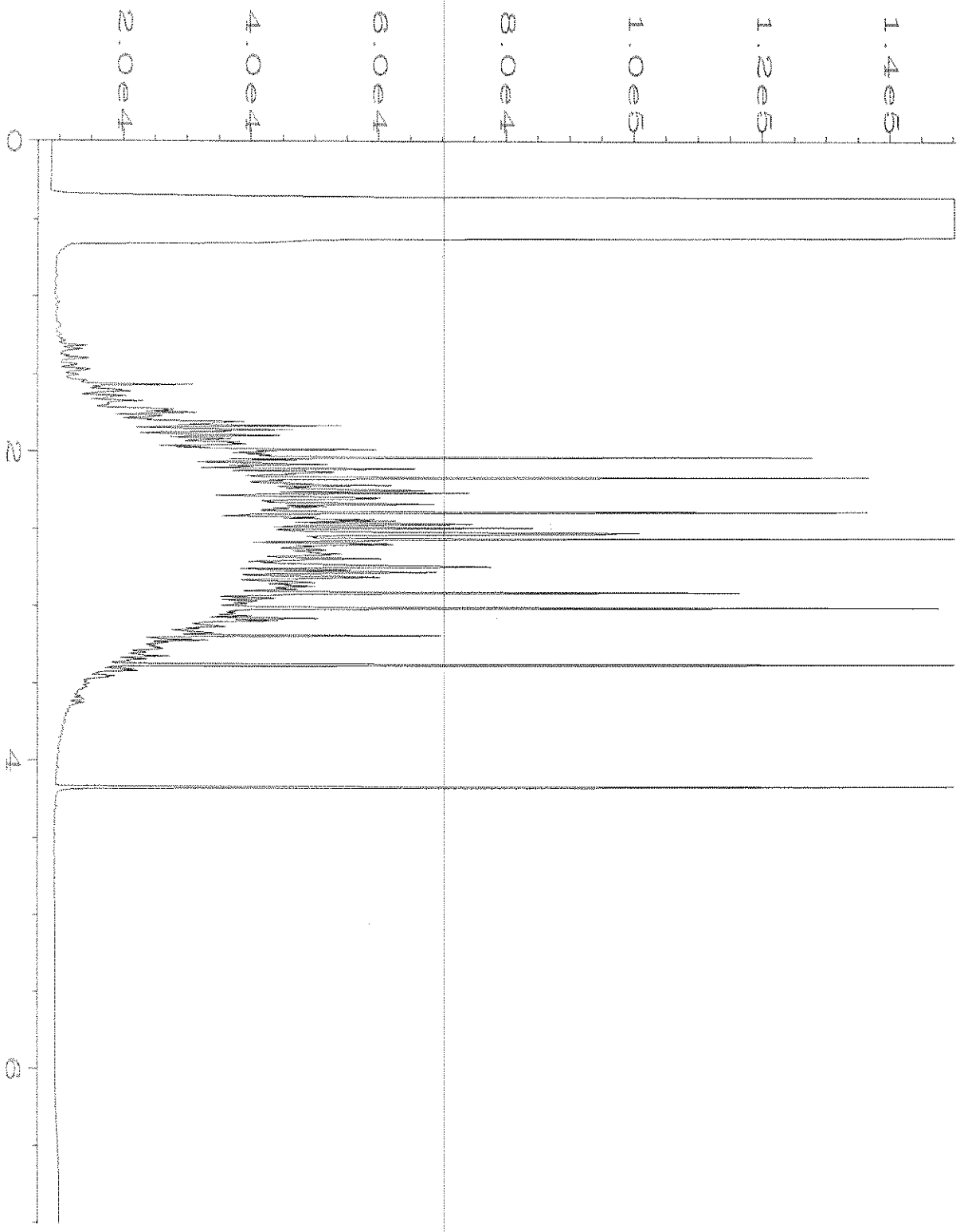
Operator : TL
Instrument : GC6
Sample Name : 909040-01
Run Time Bar Code:
Acquired on : 06 Sep 19 01:08 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 19
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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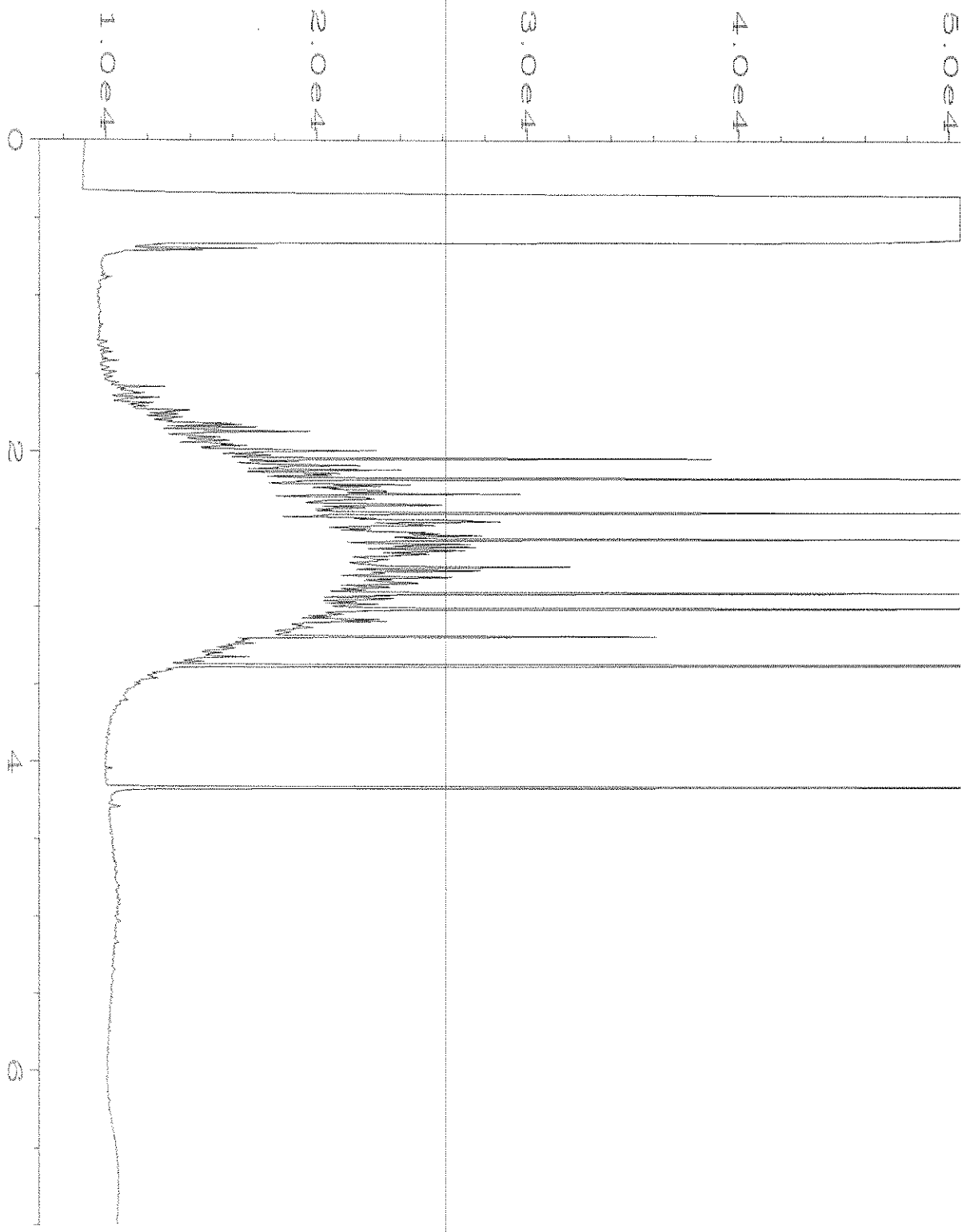
Operator : TL
Instrument : GC6
Sample Name : 909040-02
Run Time Bar Code:
Acquired on : 06 Sep 19 01:53 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 20
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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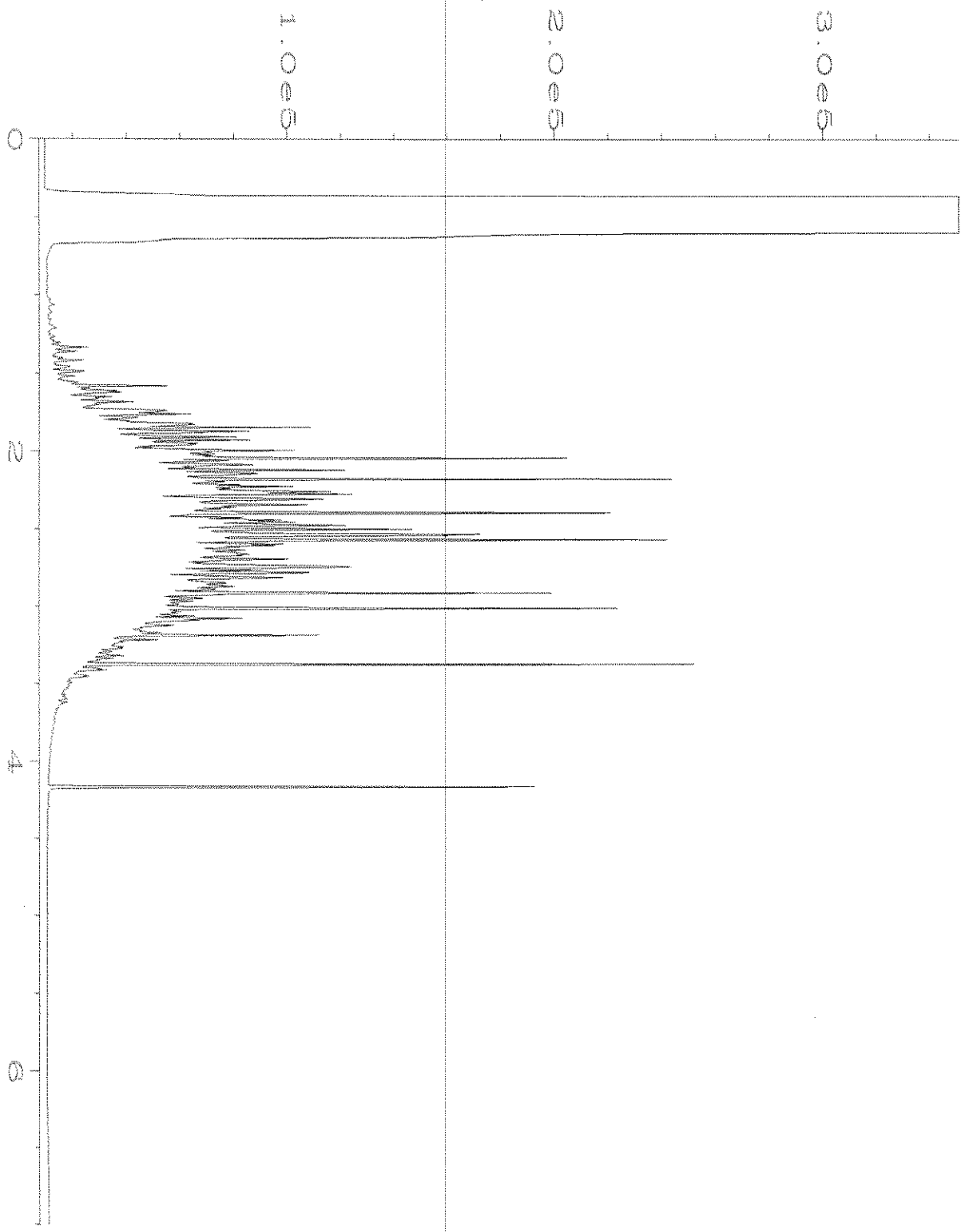
Operator : TL
Instrument : GC6
Sample Name : 909040-03
Run Time Bar Code:
Acquired on : 06 Sep 19 02:02 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 21
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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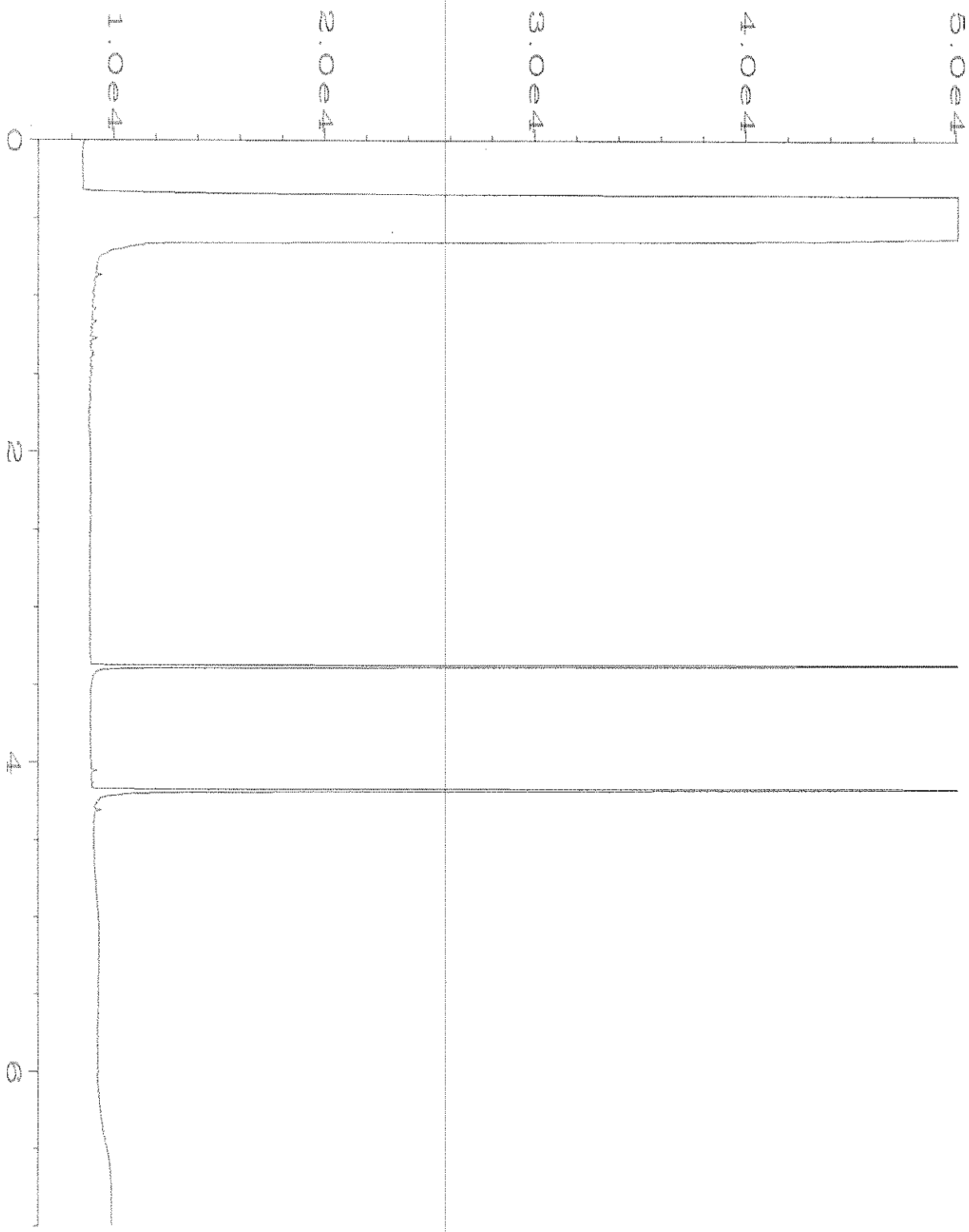
Operator : TL
Instrument : GC6
Sample Name : 909040-06
Run Time Bar Code:
Acquired on : 06 Sep 19 02:35 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 24
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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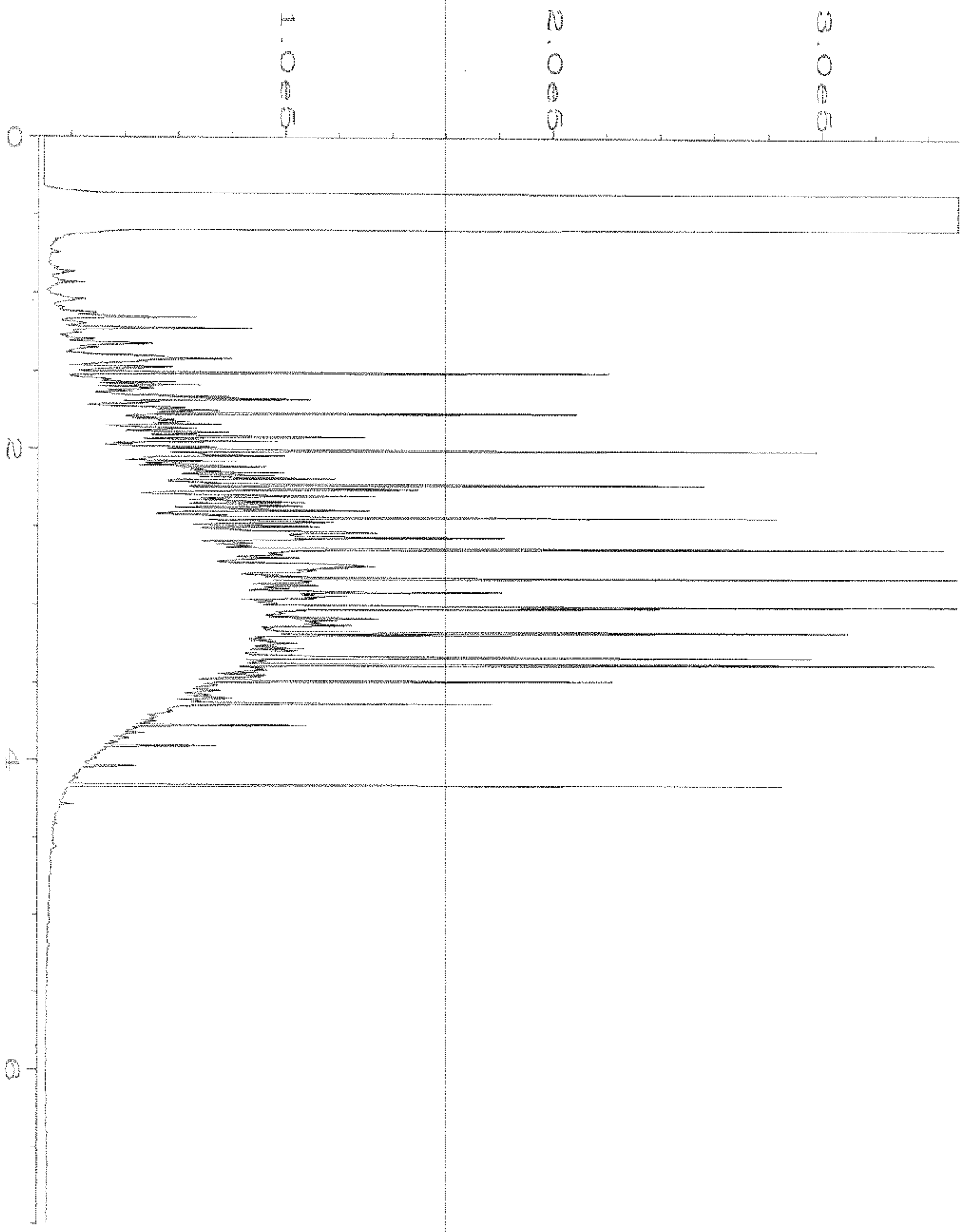
Operator : TL
Instrument : GC6
Sample Name : 09-2195 mb
Run Time Bar Code:
Acquired on : 06 Sep 19 10:39 AM
Report Created on: 16 Sep 19 12:45 PM

Page Number : 1
Vial Number : 15
Injection Number : 1
Sequence Line : 6
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



Data File Name	: C:\HPCHEM\6\DATA\09-06-19\005F0901.D		
Operator	: TL	Page Number	: 1
Instrument	: GC6	Vial Number	: 5
Sample Name	: 1000 Dx 57-78B	Injection Number	: 1
Run Time Bar Code:		Sequence Line	: 9
Acquired on	: 06 Sep 19 03:09 PM	Instrument Method	: DX.MTH
Report Created on	: 16 Sep 19 12:45 PM	Analysis Method	: DEFAULT.MTH

FRIEDMAN & BRUYA, INC.

ENVIRONMENTAL CHEMISTS

James E. Bruya, Ph.D.
Yelena Aravkina, M.S.
Michael Erdahl, B.S.
Arina Podnozova, B.S.
Eric Young, B.S.

3012 16th Avenue West
Seattle, WA 98119-2029
(206) 285-8282
fbi@isomedia.com
www.friedmanandbruya.com

September 18, 2019

Stephanie Holt, Project Manager
EcoCon, Inc.
P.O. Box 153
Fox Island, WA 98333

Dear Ms Holt:

Included are the additional results from the testing of material submitted on September 4, 2019 from the 0673-01-04, F&BI 909040 project. There are 5 pages included in this report.

We appreciate this opportunity to be of service to you and hope you will call if you have any questions.

Sincerely,

FRIEDMAN & BRUYA, INC.

Michael Erdahl
Project Manager

Enclosures
EMS0918R.DOC

CASE NARRATIVE

This case narrative encompasses samples received on September 4, 2019 by Friedman & Bruya, Inc. from the EcoCon 0673-01-04, F&BI 909040 project. Samples were logged in under the laboratory ID's listed below.

Laboratory ID	EcoCon
909040 -01	S1-10
909040 -02	S2-8
909040 -03	S3-11
909040 -04	S4-3.5
909040 -05	S5-6.5
909040 -06	S6-6.5

All quality control requirements were acceptable.

Analysis For Semivolatile Compounds By EPA Method 8270D SIM

Client Sample ID:	S6-6.5	Client:	EcoCon
Date Received:	09/04/19	Project:	0673-01-04, F&BI 909040
Date Extracted:	09/12/19	Lab ID:	909040-06 1/5
Date Analyzed:	09/12/19	Data File:	091214.D
Matrix:	Soil	Instrument:	GCMS6
Units:	mg/kg (ppm) Dry Weight	Operator:	VM

Surrogates:	% Recovery:	Lower Limit:	Upper Limit:
Anthracene-d10	90	31	163
Benzo(a)anthracene-d12	98	24	168

Compounds:	Concentration mg/kg (ppm)
Benz(a)anthracene	<0.01
Chrysene	<0.01
Benzo(a)pyrene	<0.01
Benzo(b)fluoranthene	<0.01
Benzo(k)fluoranthene	<0.01
Indeno(1,2,3-cd)pyrene	<0.01
Dibenz(a,h)anthracene	<0.01

Analysis For Semivolatile Compounds By EPA Method 8270D SIM

Client Sample ID:	Method Blank	Client:	EcoCon
Date Received:	Not Applicable	Project:	0673-01-04, F&BI 909040
Date Extracted:	09/12/19	Lab ID:	09-2264 mb2 1/5
Date Analyzed:	09/12/19	Data File:	091207.D
Matrix:	Soil	Instrument:	GCMS6
Units:	mg/kg (ppm) Dry Weight	Operator:	VM

Surrogates:	% Recovery:	Lower Limit:	Upper Limit:
Anthracene-d10	99	31	163
Benzo(a)anthracene-d12	93	24	168

Compounds:	Concentration mg/kg (ppm)
Benz(a)anthracene	<0.01
Chrysene	<0.01
Benzo(a)pyrene	<0.01
Benzo(b)fluoranthene	<0.01
Benzo(k)fluoranthene	<0.01
Indeno(1,2,3-cd)pyrene	<0.01
Dibenz(a,h)anthracene	<0.01

Date of Report: 09/18/19
Date Received: 09/04/19
Project: 0673-01-04, F&BI 909040

QUALITY ASSURANCE RESULTS FOR THE ANALYSIS OF SOIL SAMPLES FOR PAHS BY EPA METHOD 8270D SIM

Laboratory Code: 909159-01 1/5 (Matrix Spike)

Analyte	Reporting Units	Spike Level	Sample Result (Wet wt)	Percent Recovery MS	Acceptance Criteria
Benz(a)anthracene	mg/kg (ppm)	0.17	<0.01	85	23-144
Chrysene	mg/kg (ppm)	0.17	<0.01	83	32-149
Benzo(b)fluoranthene	mg/kg (ppm)	0.17	<0.01	87	23-176
Benzo(k)fluoranthene	mg/kg (ppm)	0.17	<0.01	90	42-139
Benzo(a)pyrene	mg/kg (ppm)	0.17	<0.01	87	21-163
Indeno(1,2,3-cd)pyrene	mg/kg (ppm)	0.17	<0.01	76	23-170
Dibenz(a,h)anthracene	mg/kg (ppm)	0.17	<0.01	75	31-146

Laboratory Code: Laboratory Control Sample 1/5

Analyte	Reporting Units	Spike Level	Percent Recovery LCS	Percent Recovery LCSD	Acceptance Criteria	RPD (Limit 20)
Benz(a)anthracene	mg/kg (ppm)	0.17	83	88	51-115	6
Chrysene	mg/kg (ppm)	0.17	83	85	55-129	2
Benzo(b)fluoranthene	mg/kg (ppm)	0.17	84	83	56-123	1
Benzo(k)fluoranthene	mg/kg (ppm)	0.17	81	88	54-131	8
Benzo(a)pyrene	mg/kg (ppm)	0.17	80	84	51-118	5
Indeno(1,2,3-cd)pyrene	mg/kg (ppm)	0.17	83	83	49-148	0
Dibenz(a,h)anthracene	mg/kg (ppm)	0.17	83	84	50-141	1

Data Qualifiers & Definitions

a - The analyte was detected at a level less than five times the reporting limit. The RPD results may not provide reliable information on the variability of the analysis.

b - The analyte was spiked at a level that was less than five times that present in the sample. Matrix spike recoveries may not be meaningful.

ca - The calibration results for the analyte were outside of acceptance criteria. The value reported is an estimate.

c - The presence of the analyte may be due to carryover from previous sample injections.

cf - The sample was centrifuged prior to analysis.

d - The sample was diluted. Detection limits were raised and surrogate recoveries may not be meaningful.

dv - Insufficient sample volume was available to achieve normal reporting limits.

f - The sample was laboratory filtered prior to analysis.

fb - The analyte was detected in the method blank.

fc - The analyte is a common laboratory and field contaminant.

hr - The sample and duplicate were reextracted and reanalyzed. RPD results were still outside of control limits. Variability is attributed to sample inhomogeneity.

hs - Headspace was present in the container used for analysis.

ht – The analysis was performed outside the method or client-specified holding time requirement.

ip - Recovery fell outside of control limits due to sample matrix effects.

j - The analyte concentration is reported below the lowest calibration standard. The value reported is an estimate.

J - The internal standard associated with the analyte is out of control limits. The reported concentration is an estimate.

jl - The laboratory control sample(s) percent recovery and/or RPD were out of control limits. The reported concentration should be considered an estimate.

js - The surrogate associated with the analyte is out of control limits. The reported concentration should be considered an estimate.

lc - The presence of the analyte is likely due to laboratory contamination.

L - The reported concentration was generated from a library search.

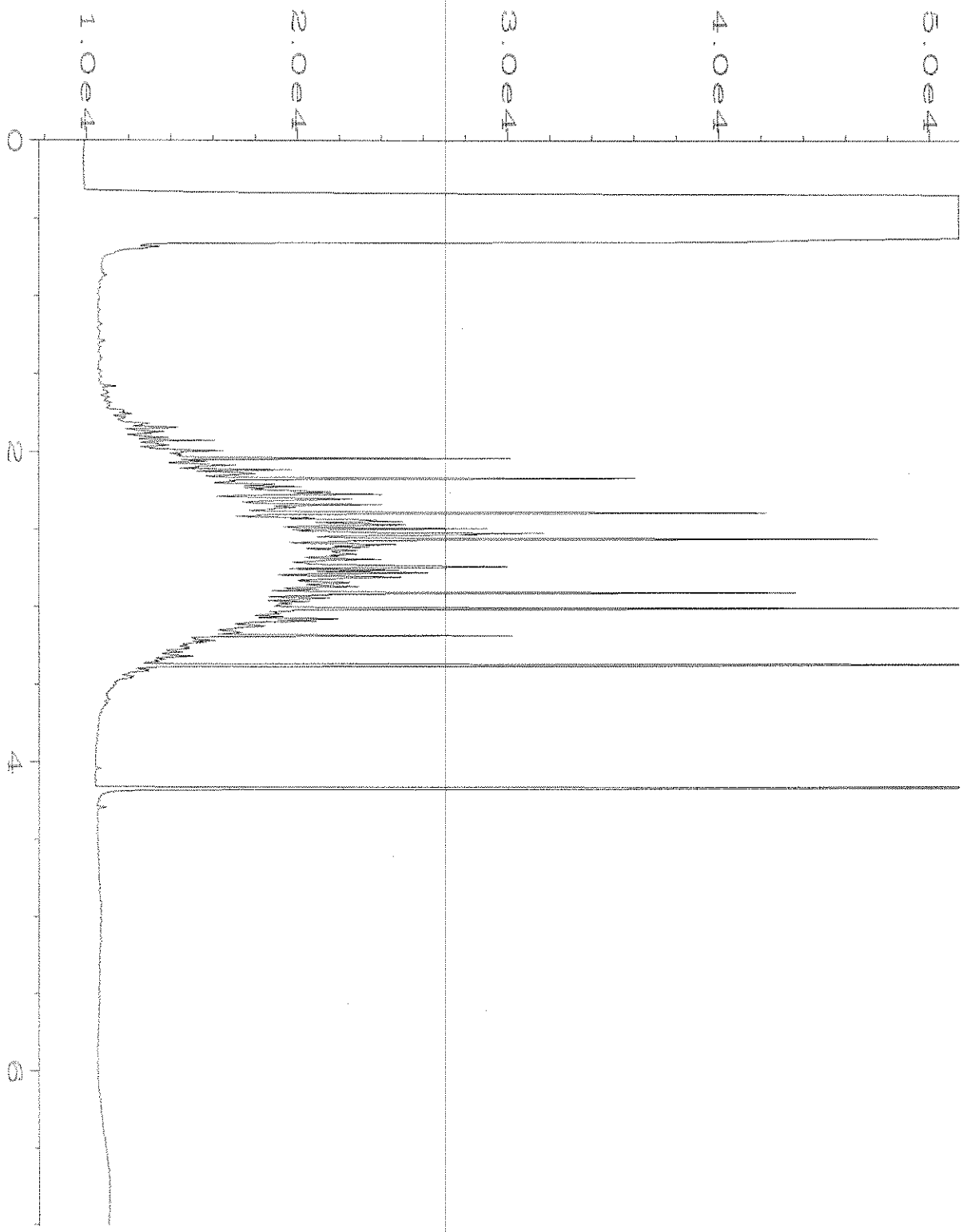
nm - The analyte was not detected in one or more of the duplicate analyses. Therefore, calculation of the RPD is not applicable.

pc - The sample was received with incorrect preservation or in a container not approved by the method. The value reported should be considered an estimate.

ve - The analyte response exceeded the valid instrument calibration range. The value reported is an estimate.

vo - The value reported fell outside the control limits established for this analyte.

x - The sample chromatographic pattern does not resemble the fuel standard used for quantitation.



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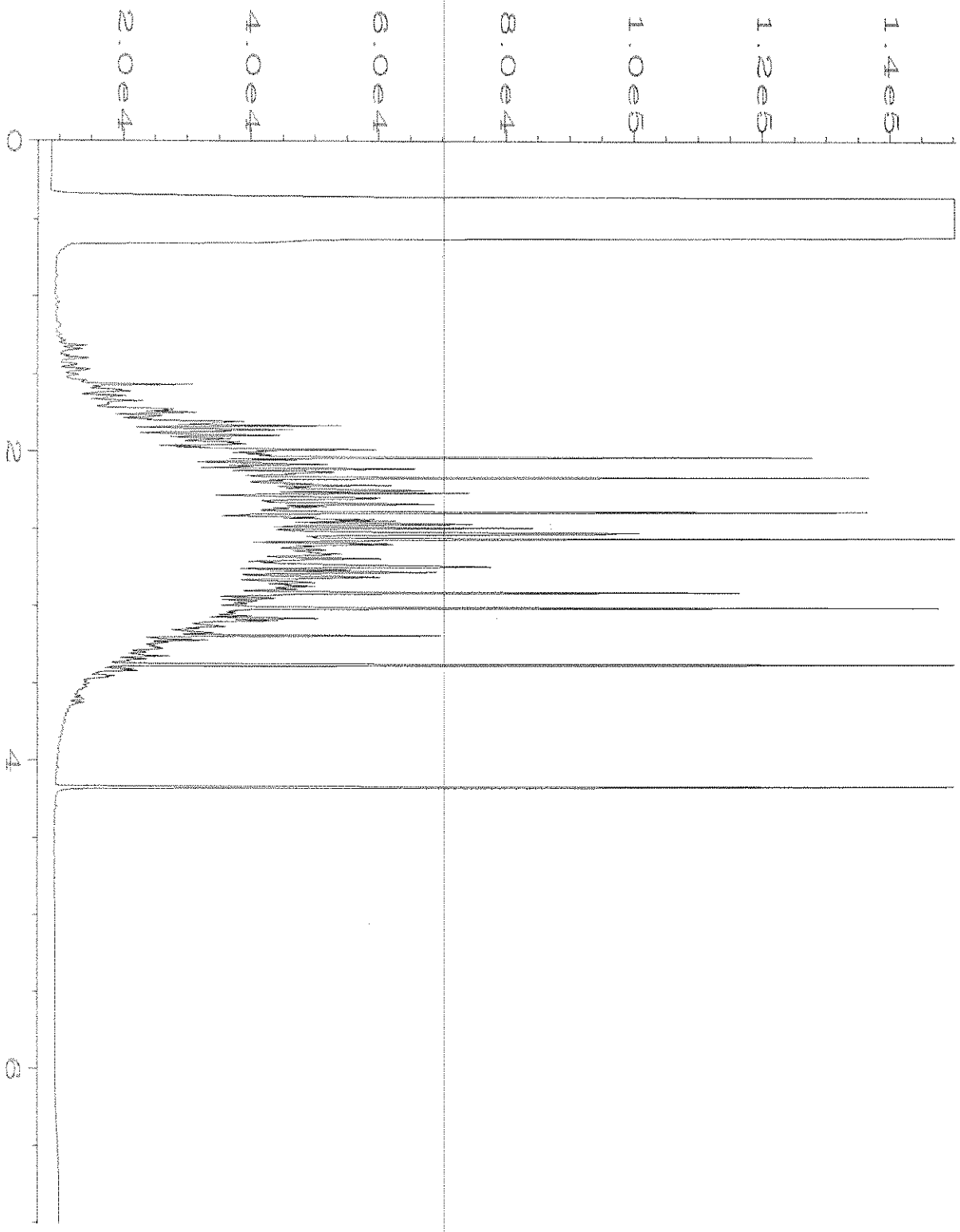
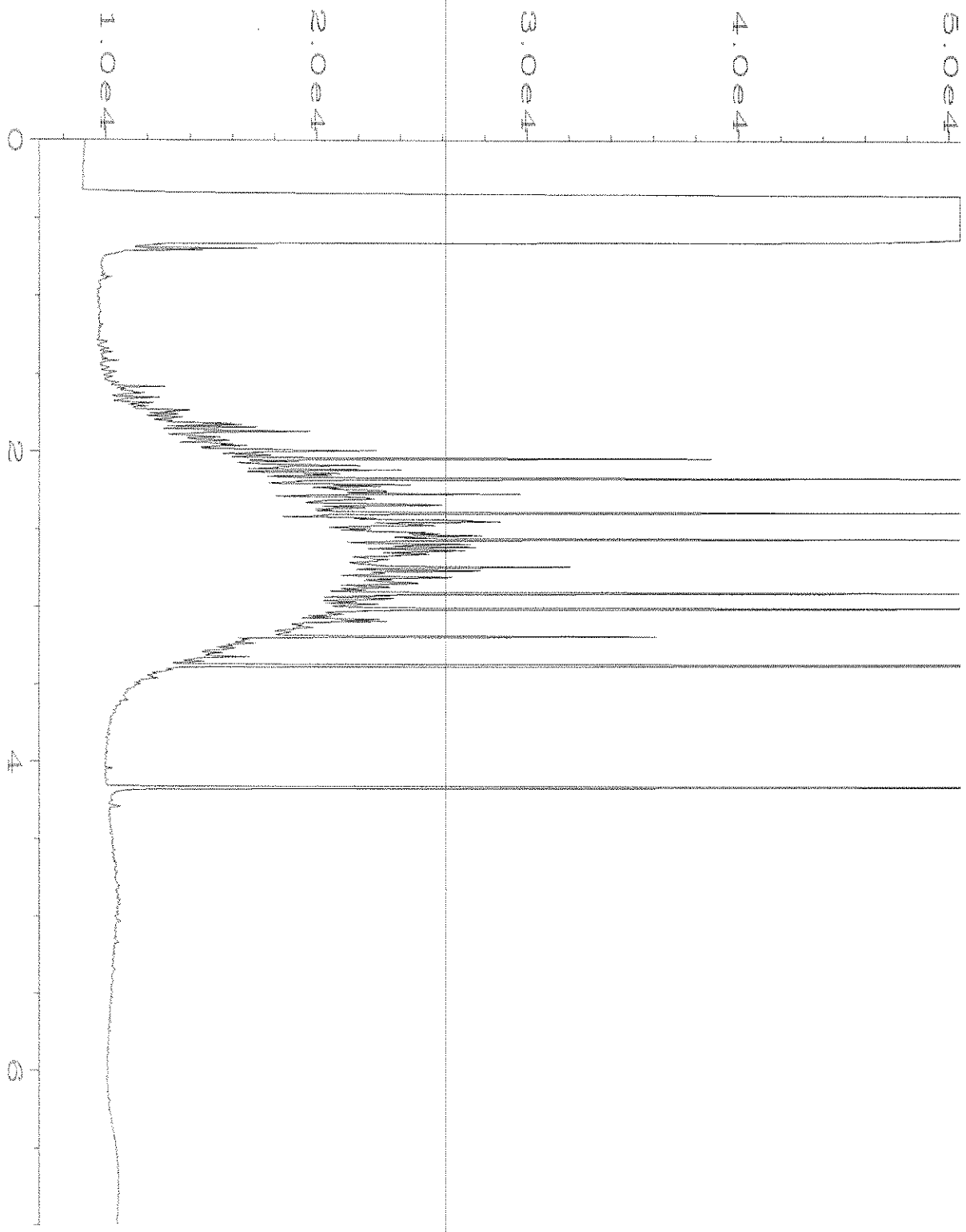
Operator : TL
Instrument : GC6
Sample Name : 909040-01
Run Time Bar Code:
Acquired on : 06 Sep 19 01:08 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 19
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



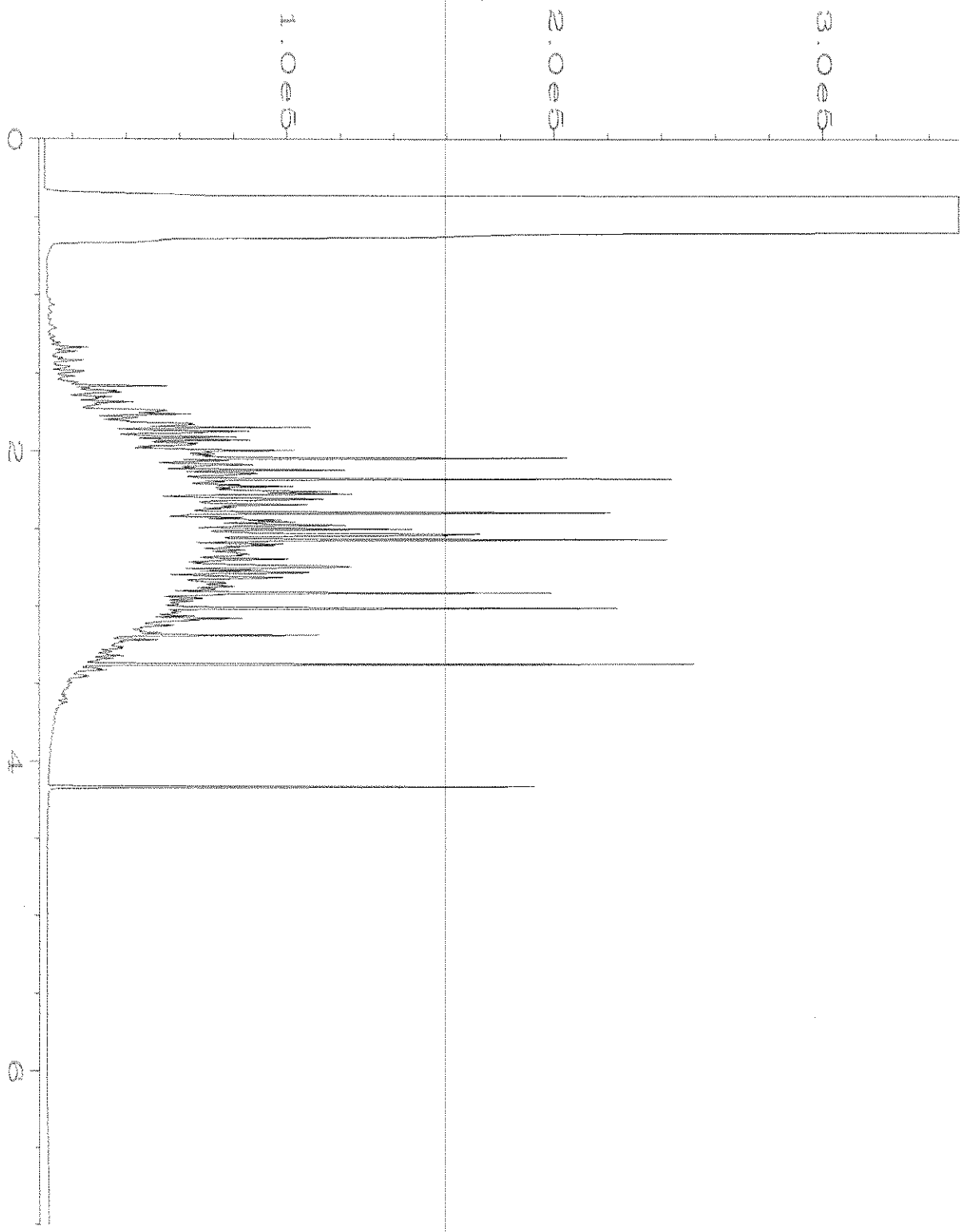
Data File Name : C:\HPCHEM\6\DATA\09-06-19\020F0801.D
Operator : TL
Instrument : GC6
Sample Name : 909040-02
Run Time Bar Code:
Acquired on : 06 Sep 19 01:53 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 20
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



Data File Name : C:\HPCHEM\6\DATA\09-06-19\021F0801.D
Operator : TL
Instrument : GC6
Sample Name : 909040-03
Run Time Bar Code:
Acquired on : 06 Sep 19 02:02 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 21
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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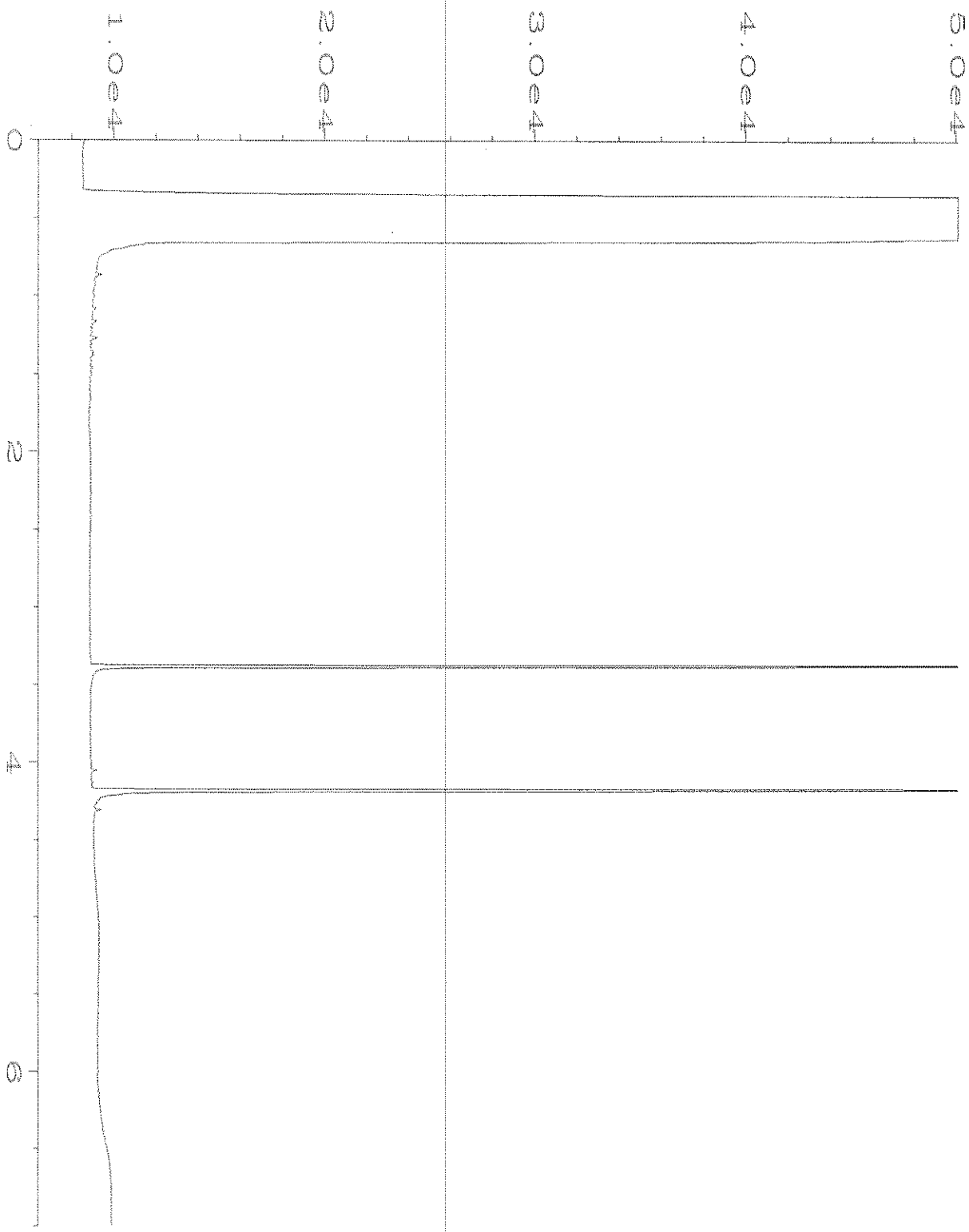
Operator : TL
Instrument : GC6
Sample Name : 909040-06
Run Time Bar Code:
Acquired on : 06 Sep 19 02:35 PM
Report Created on: 16 Sep 19 12:47 PM

Page Number : 1
Vial Number : 24
Injection Number : 1
Sequence Line : 8
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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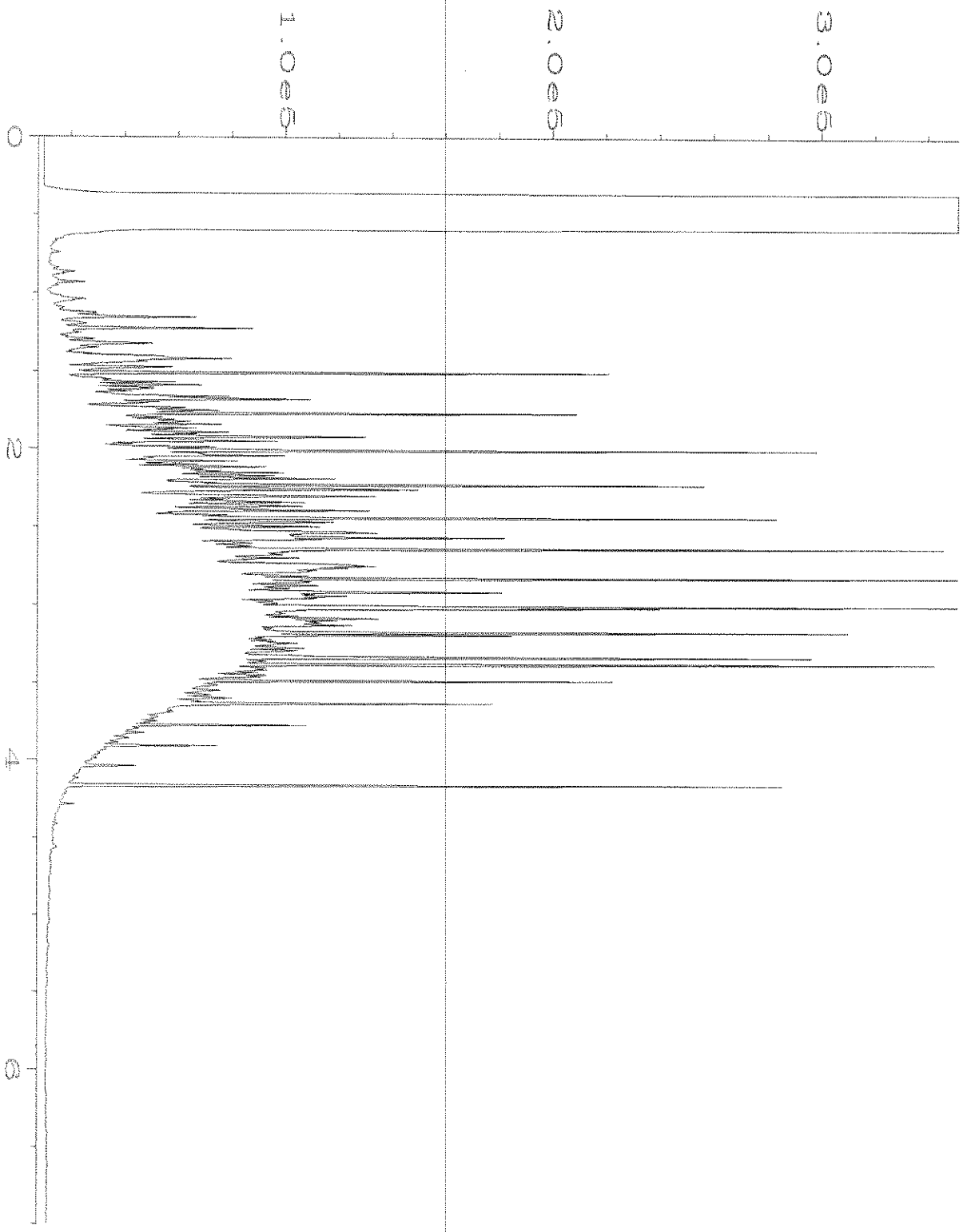
Operator : TL
Instrument : GC6
Sample Name : 09-2195 mb
Run Time Bar Code:
Acquired on : 06 Sep 19 10:39 AM
Report Created on: 16 Sep 19 12:45 PM

Page Number : 1
Vial Number : 15
Injection Number : 1
Sequence Line : 6
Instrument Method: DX.MTH
Analysis Method : DEFAULT.MTH



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Operator	: TL	Page Number	: 1
Instrument	: GC6	Vial Number	: 5
Sample Name	: 1000 Dx 57-78B	Injection Number	: 1
Run Time Bar Code:		Sequence Line	: 9
Acquired on	: 06 Sep 19 03:09 PM	Instrument Method	: DX.MTH
Report Created on	: 16 Sep 19 12:45 PM	Analysis Method	: DEFAULT.MTH

909040

SAMPLE CHAIN OF CUSTODY

ME 09-04-19

VS1/A02

Page # 1 of 1

Report To Stephanie Holt

Company ECI

Address P.O. Box 153

City, State, ZIP Fox Island, WA

Phone 479-426-1487 Email Stephanie@alleci.com
davidb@alteci.com

SAMPLERS (signature) [signature] / Dave Roke

PROJECT NAME: 0673-01-04

PO #:

REMARKS:

INVOICE TO:

TURNAROUND TIME
- [x] Standard Turnaround
- [ ] RUSH
- Rush charges authorized by:

SAMPLE DISPOSAL
- [ ] Dispose after 30 days
- [ ] Archive Samples
- [ ] Other

Sample ID	Lab ID	Date Sampled	Time Sampled	Sample Type	# of Jars	TPH-HCID	TPH-Diesel/oil	TPH-Gasoline	BTEX by 8021B	VOCs by 8260C	SVOCs by 8270D	cPAHs 8270D SIM					◆ pass 9/11/19 Notes ME
S1-10	01A-C	9/3/19	10:25	Soil	4 oz +2 4oz		X	X	X								odor PID 168
S2-8	02		10:40														strong odor PID 428
S3-11	03		10:58														odor PID 263
S4-3.5	04		11:10														Hold
S5-6.5	05		11:18														Hold
S6-6.5	06		11:25									◆					strong odor PID 538
																	Samples received at 5 °C

SIGNATURE	PRINT NAME	COMPANY	DATE	TIME
Relinquished by: [signature]	Stephanie Holt	ECI	9/4/19	13:02
Received by: [signature]	ROKE	Fedex SDC	4Sep19	1302
Relinquished by:				
Received by: [signature]	DO RO	FOBE	9-4-19	15.10

Friedman & Bruya, Inc.
3012 16th Avenue West
Seattle, WA 98119-2029
Ph. (206) 285-8282

Appendix D: TEE Form

Voluntary Cleanup Program

Washington State Department of Ecology
Toxics Cleanup Program

TERRESTRIAL ECOLOGICAL EVALUATION FORM

Under the Model Toxics Control Act (MTCA), a terrestrial ecological evaluation is necessary if hazardous substances are released into the soils at a Site. In the event of such a release, you must take one of the following three actions as part of your investigation and cleanup of the Site:

1. Document an exclusion from further evaluation using the criteria in WAC 173-340-7491.
2. Conduct a simplified evaluation as set forth in WAC 173-340-7492.
3. Conduct a site-specific evaluation as set forth in WAC 173-340-7493.

When requesting a written opinion under the Voluntary Cleanup Program (VCP), you must complete this form and submit it to the Department of Ecology (Ecology). The form documents the type and results of your evaluation.

Completion of this form is not sufficient to document your evaluation. You still need to document your analysis and the basis for your conclusion in your cleanup plan or report.

If you have questions about how to conduct a terrestrial ecological evaluation, please contact the Ecology site manager assigned to your Site. For additional guidance, please refer to https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Terrestrial-ecological-evaluation.

Step 1: IDENTIFY HAZARDOUS WASTE SITE	
Please identify below the hazardous waste site for which you are documenting an evaluation.	
Facility/Site Name: Midway Muscatel Properties, LLC	
Facility/Site Address: 23418 Pacific Hwy. S, Kent, WA 98032	
Facility/Site No: N/A	VCP Project No.: N/A

Step 2: IDENTIFY EVALUATOR			
Please identify below the person who conducted the evaluation and their contact information.			
Name: Stephen M. Spencer		Title: Principal	
Organization: ECI Environmental Services			
Mailing address: PO Box 153			
City: Fox Island	State: WA	Zip code: 98333	
Phone: 253-238-9270	Fax: 253-369-6228	E-mail: stephen@alleci.com	

Step 3: DOCUMENT EVALUATION TYPE AND RESULTS

A. Exclusion from further evaluation.

1. Does the Site qualify for an exclusion from further evaluation?

☒ Yes *If you answered **"YES,"** then answer **Question 2**.*

☐ No or Unknown *If you answered **"NO" or "UNKNOWN,"** then skip to **Step 3B** of this form.*

2. What is the basis for the exclusion? *Check all that apply. Then skip to **Step 4** of this form.*

Point of Compliance: WAC 173-340-7491(1)(a)

☐ All soil contamination is, or will be,* at least 15 feet below the surface.

☐ All soil contamination is, or will be,* at least 6 feet below the surface (or alternative depth if approved by Ecology), and institutional controls are used to manage remaining contamination.

Barriers to Exposure: WAC 173-340-7491(1)(b)

☐ All contaminated soil, is or will be,* covered by physical barriers (such as buildings or paved roads) that prevent exposure to plants and wildlife, and institutional controls are used to manage remaining contamination.

Undeveloped Land: WAC 173-340-7491(1)(c)

☐ There is less than 0.25 acres of contiguous[#] undeveloped[±] land on or within 500 feet of any area of the Site and any of the following chemicals is present: chlorinated dioxins or furans, PCB mixtures, DDT, DDE, DDD, aldrin, chlordane, dieldrin, endosulfan, endrin, heptachlor, heptachlor epoxide, benzene hexachloride, toxaphene, hexachlorobenzene, pentachlorophenol, or pentachlorobenzene.

☐ For sites not containing any of the chemicals mentioned above, there is less than 1.5 acres of contiguous[#] undeveloped[±] land on or within 500 feet of any area of the Site.

Background Concentrations: WAC 173-340-7491(1)(d)

☒ Concentrations of hazardous substances in soil do not exceed natural background levels as described in WAC 173-340-200 and 173-340-709.

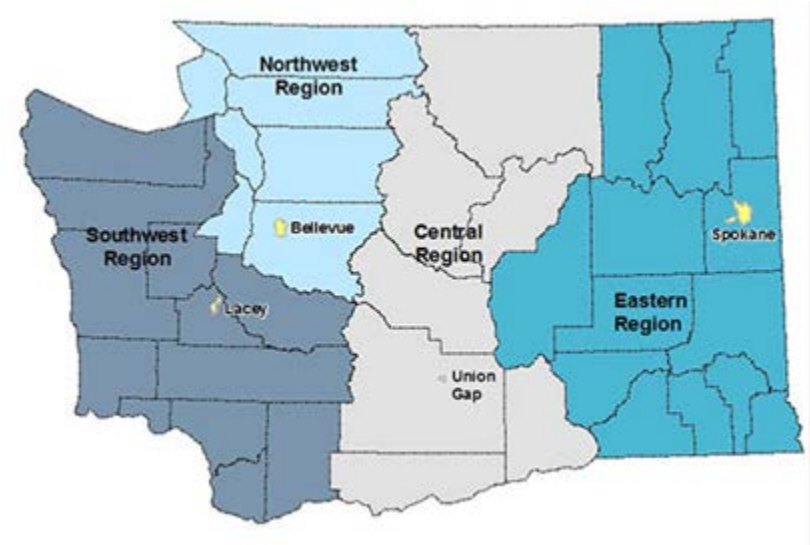
* An exclusion based on future land use must have a completion date for future development that is acceptable to Ecology.

[±] "Undeveloped land" is land that is not covered by building, roads, paved areas, or other barriers that would prevent wildlife from feeding on plants, earthworms, insects, or other food in or on the soil.

[#] "Contiguous" undeveloped land is an area of undeveloped land that is not divided into smaller areas of highways, extensive paving, or similar structures that are likely to reduce the potential use of the overall area by wildlife.

Step 4: SUBMITTAL

Please mail your completed form to the Ecology site manager assigned to your Site. If a site manager has not yet been assigned, please mail your completed form to the Ecology regional office for the County in which your Site is located.



Northwest Region: Attn: VCP Coordinator 3190 160th Ave. SE Bellevue, WA 98008-5452	**Central Region:** Attn: VCP Coordinator 1250 West Alder St. Union Gap, WA 98903-0009
Southwest Region: Attn: VCP Coordinator P.O. Box 47775 Olympia, WA 98504-7775	**Eastern Region:** Attn: VCP Coordinator N. 4601 Monroe Spokane WA 99205-1295

If you need this publication in an alternate format, please call the Toxics Cleanup Program at 360-407-7170. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call 877-833-6341.

Appendix E: Soil Disposal Documentation

Appendix: E
Soil Disposal Documentation

REPUBLIC SERVICES

EXPRESS WASTE PROFILE

PRINT

Requested Disposal Facility: 4178 Roosevelt Regional MSW LF WA

Waste Profile #
Sales Rep #.

Saveable fill in form. Restricted printing until all required (yellow) fields are completed.

I. Generator Information

Generator Name: Muscatel Midway Properties LLC			
Generator Site Address: 23418 Pacific Hwy South			
City: Kent	County: King	State: Washington	Zip: 98032
State ID/Reg No:	State Approval/Waste Code: (if applicable)		NAICS #.
Generator Mailing Address (if different): ☑ P.O. Box 153			
City: Fox Island	County: Pierce	State: Washington	Zip: 98333
Generator Contact Name: Brad Reilly		Email: breilly@ecocon.us	
Phone Number: (206) 779-0050 Ext:		Fax Number:	

II. Billing Information

Bill To: Construction Group International, Inc.		Contact Name: Mark Marcell	
Billing Address: 19407 144th Avenue NE, Building D		Email: markm@cgius.net>	
City: Woodinville	State: WA	Zip: 98072	Phone: (425) 487-2618

III. Waste Stream Information

Name of Waste: (Petroleum products-applies only to contaminated media and debris).			
☑ Diesel Fuel	☐ Weathered Wood	☐ Friable Asbestos	
☐ Home Heating Fuel #1-6	☐ RCRA Empty Containers	☐ Non Friable Asbestos	
☐ Kerosene	☐ Treated Medical Waste	☐ Cured Asphalt	
☐ Aviation Fuel	☐ Animal Carcass (non infectious)	☐ Tires	
☐ Hydraulic Fluid	☐ Plant Trash	☐ Food Products (Including Animal Food)	
☐ Unleaded Gasoline (UST Corrective Action)	☐ Meth Contaminated Debris		

Process Generating Waste: Remediation of contamination resulting from leaking Underground Storage Tanks

Method of Shipment: ☑ BULK ☐ DRUM ☐ BAGGED ☐ OTHER:

Estimated Annual Volume: 1,000 Cubic Yards

Frequency: ☑ ONE TIME ☐ ONGOING

IV. Certification

I hereby certify that to the best of my knowledge and belief, the information contained herein is a true and accurate description of the waste material being offered for disposal. I further certify that by utilizing this profile, neither myself nor any other employee of the company will deliver for disposal or attempt to deliver for disposal any waste which is classified as toxic waste, hazardous waste or infectious waste, or any other waste material this facility is prohibited from accepting by law. Our company hereby agrees to fully indemnify this disposal facility against any damages resulting from this certification being inaccurate or untrue. I further certify that the company has not altered the form or content of this profile sheet as provided by Republic Services, Inc.

Authorized Representative Name/Title (Type or Print)

Company Name

Authorized Representative Signature

Date

Detail Contract Activity Report

All Ticket Types
History and Waiting
* - Confirmed Qty Applied to Billing

January 01, 2019 to January 28, 2019
Specific Contract(s) : 'LW-19015'

All Facilities

LW-19015

Ticket Date	Facility & Ticket Number	Customer	Truck	Material	Contract Rate	Billing Quantity	Ordered Quantity	Minimum Quantity	Maximum Quantity	Material Total	Tax Total	Total
01/21/2019 I	01 973075	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		14.26 TN	0.00					
01/22/2019 I	01 973095	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		14.49 TN	0.00					
01/22/2019 I	01 973106	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		13.95 TN	0.00					
01/22/2019 I	01 973113	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		12.72 TN	0.00					
01/22/2019 I	01 973117	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		12.86 TN	0.00					
01/22/2019 I	01 973122	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		12.90 TN	0.00					
01/23/2019 I	01 973141	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		12.75 TN	0.00					
01/23/2019 I	01 973151	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		14.21 TN	0.00					
01/23/2019 I	01 973159	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		14.50 TN	0.00					
01/23/2019 I	01 973165	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		8.80 TN	0.00					
01/24/2019 I	01 973178	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		11.67 TN	0.00					
01/25/2019 I	01 973214	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		10.14 TN	0.00					
01/25/2019 I	01 973222	015590 - Construction Group Interna	117 COMM	SW-CONT W/FUEL		12.48 TN	0.00					

Tickets Reported: 13 Items Reported: 13

Contract Totals:

Material Summary	Weight Inbound	Weight Outbound	Volume Inbound	Volume Outbound	Count Inbound	Count Outbound	Billing Quantity	Material Total	Tax Total	Total
VH - SW-CONT W/FUEL	165.73	0.00 TN	0.00	0.00 YD	0.00	0.00	165.73 TN			

Tickets Reported: 13 Items Reported: 13

Appendix F: Environmental Covenant

After Recording Return
Original Signed Covenant to:

[ECOLOGY SITE MANAGER]
Toxics Cleanup Program
Department of Ecology
Northwest Regional Office
3190-160th Avenue SE
Bellevue, WA 98008-5452

ENVIRONMENTAL COVENANT

Grantor:	Muscatel Midway Properties LLC
Grantee:	State of Washington, Department of Ecology (hereafter "Ecology")
Brief Legal Description:	[TBD]
Tax Parcel No.:	2500600465
Cross Reference:	N/A

RECITALS

a. This document is an environmental (restrictive) covenant (hereafter "Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70.105D RCW, and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW.

b. The Property that is the subject of this Covenant is part or all of a site commonly known as the Southgate Oil Site (Facility ID No. 84946863). The Property is legally described in Exhibit A, and illustrated in Exhibit B, both of which are attached (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.

c. The Property is the subject of remedial action conducted under MTCA. This Covenant is required because residual contamination remains on the Property after completion of remedial actions. Specifically, the following principal contaminants remain on the Property:

Medium	Principal Contaminants Present
Soil	Diesel, gasoline
Groundwater	N/A
Surface Water/Sediment	N/A

d. It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through Ecology.

e. This Covenant grants Ecology certain rights under UECA and as specified in this Covenant. As a Holder of this Covenant under UECA, Ecology has an interest in real property, however, this is not an ownership interest which equates to liability under MTCA or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* The rights of Ecology as an "agency" under UECA, other than its' right as a holder, are not an interest in real property.

COVENANT

Muscatel Midway Properties LLC, as the Grantor, and fee simple owner of the Property, hereby grants to the Washington State Department of Ecology, and its successors and assignees, the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall supersede any prior interests the Grantor has in the Property and run with the land and be binding on all current and future owners of any portion of, or interest in, the Property.

Section 1. General Restrictions and Requirements.

The following general restrictions and requirements shall apply to the Property:

a. 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.

b. 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 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.

c. Continued Compliance Required. The 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.

d. Leases. The 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.

e. Preservation of Reference Monuments. The 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, the Grantor shall have it replaced by a licensed professional surveyor within 30 days of discovery of the damage or destruction.

Section 2. Specific Prohibitions and Requirements.

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

a. Containment of Soil/Waste Materials.

The remedial action for the Property is based on containing contaminated soil under a cap consisting of a concrete retaining wall and located as illustrated in Exhibit C: The primary

purpose of the cap is to prevent exposure or disturbance of the contaminated soil. As such, the following restrictions shall apply within the area illustrated in Exhibit C:

Any activity on the Property 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. Unless an alternative plan has been approved by Ecology in writing, the Grantor shall promptly repair the damage and submit a report documenting this work to Ecology within thirty (30) days of completing the repairs.

Section 3. Access.

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

b. 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.

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

Section 4. Notice Requirements.

a. Conveyance of Any Interest. The Grantor, when conveying any interest within the area of the Property illustrated in Exhibit C, 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 [DATE] AND RECORDED WITH THE KING COUNTY AUDITOR UNDER RECORDING NUMBER [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.

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

c. 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.

d. 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.

If to Grantor: Laurel Goldman Muscatel Midway Properties LLC 2885 78th Avenue SE Mercer Island, WA 98040-2849 [phone number] [email]	If to Ecology: Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program P.O. Box 47600 Olympia, WA 98504 – 7600 (360) 407-6000 ToxicsCleanupProgramHQ@ecy.wa.gov

Section 5. Modification or Termination.

a. The Grantor must provide written notice and obtain approval from Ecology at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. For any proposal that is inconsistent with this Covenant and permanently modifies an activity or use restriction at the site:

- **i.** Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal; and
- **ii.** If Ecology approves of the proposal, this Covenant must be amended to reflect the change before the activity or use can proceed.

b. If the conditions at the site requiring this Covenant have changed or no longer exist, then the Grantor may submit a request to Ecology that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in MTCA and UECA and any rules promulgated under these chapters.

Section 6. Enforcement and Construction.

a. This Covenant is being freely and voluntarily granted by the Grantor.

b. Within ten (10) days after this Covenant if fully executed, the Grantor shall provide Ecology with an original of the fully executed Covenant and proof of recording and provide a copy of this Covenant to others as required by RCW 64.70.070.

c. Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including MTCA and UECA. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is

not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.

d. The Grantor shall be responsible for all costs associated with implementation of this Covenant. Furthermore, the Grantor, upon request by Ecology, shall be obligated to pay for Ecology's costs to process a request for any modification or termination of this Covenant and any approval required by this Covenant.

e. This Covenant shall be liberally construed to meet the intent of MTCA and UECA.

f. The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to any person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstance is not affected and shall continue in full force and effect as though such void provision had not been contained herein.

g. A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

MUSCATEL MIDWAY PROPERTIES LLC

By: _____

Printed Name: _____

Its: _____

Date: _____

STATE OF WASHINGTON

COUNTY OF KING

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that he/she is the _____ of the limited liability company that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said company.

_____
Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

The Department of Ecology hereby accepts the status as Grantee and Holder of this Covenant.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By: _____

Printed Name: _____

Its: _____

Date: _____

STATE OF WASHINGTON

COUNTY OF KING

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that he/she is the _____ of the state agency that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument for said state agency.

_____
Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

Exhibit A

LEGAL DESCRIPTION

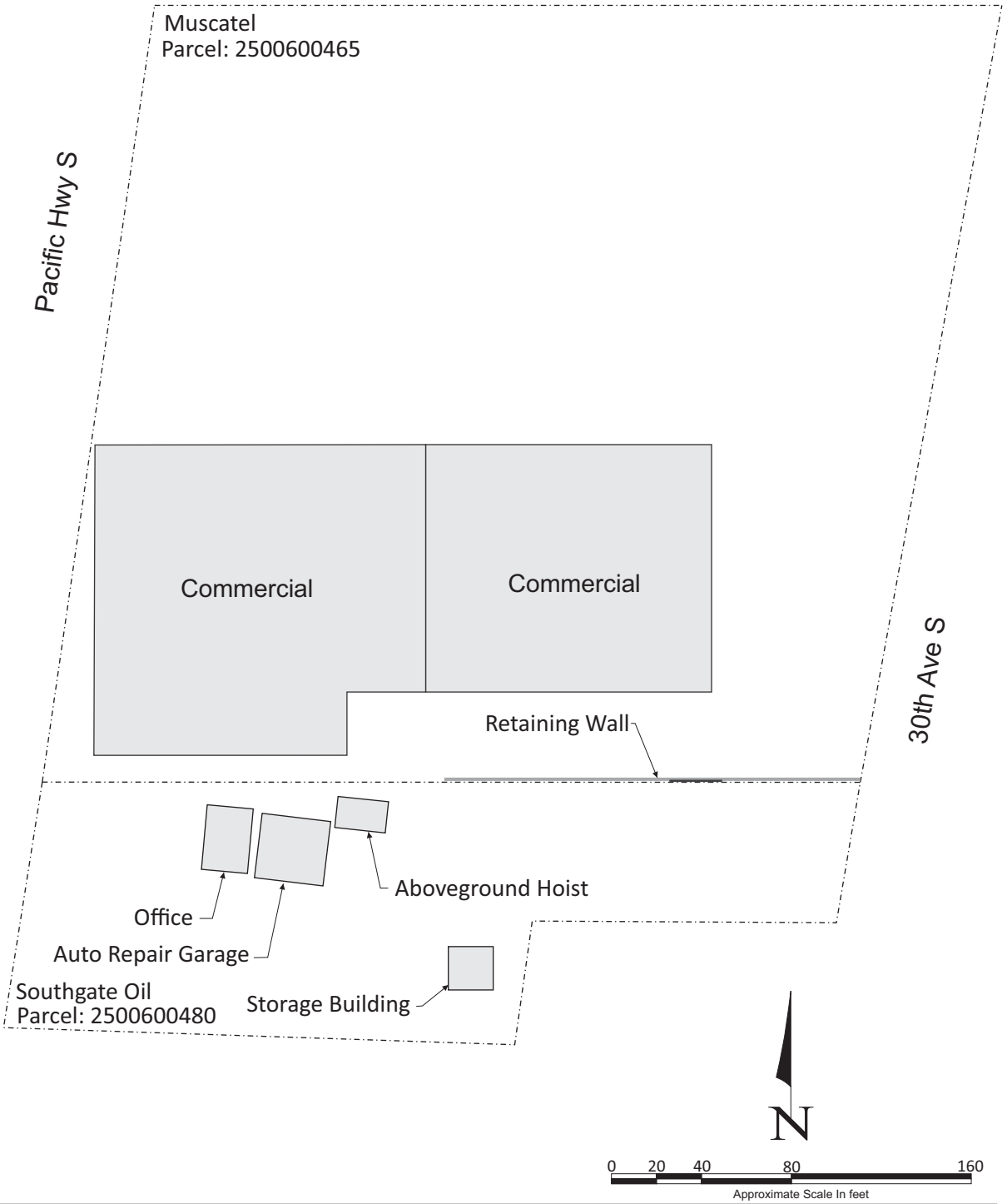
Lots 5, 6, and 7, Block 5, Federal Highway Addition, according to the Plat therof recorded in Volume 30 of Plats, page 1, in King County, Washington;

EXCEPT the Easterly 10 feet of said Lot 5 conveyed to the State of Washington by deed recorded under recording number 5025702 for highway purposes;
AND EXCEPT the Westerly 12.00 feet of the South 20.00 feed of the North 34.40 feet (as measured along the westerly line) of said Lot 5 as conveyed to the City of Kent by deed recorded under recording number 20031216000206.

Exhibit B

PROPERTY MAP

[Attached as Following Page]



Impermeable Barrier Placement and
Property Boundary Location
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 29, 2019
Completed By:	C. Long
Reviewed By:	S. Spencer
Version:	ECI-001
Project No.:	0673-01-01

Figure No.: 01

Sheet 01 of 02

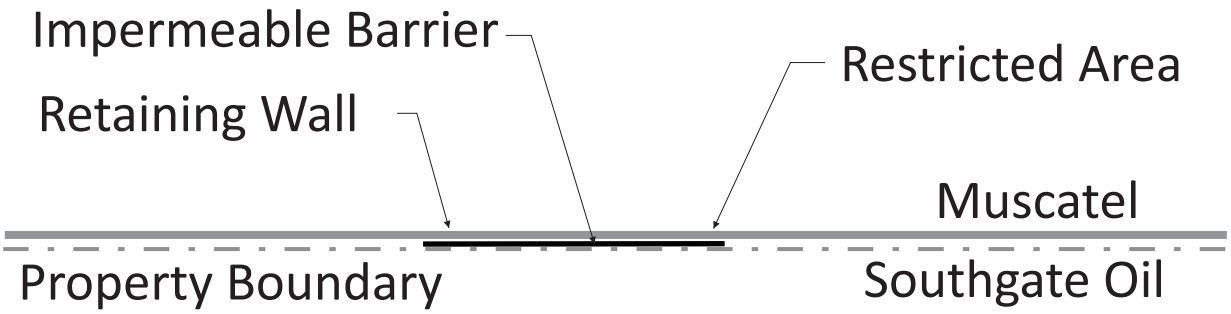
eci Environmental Services

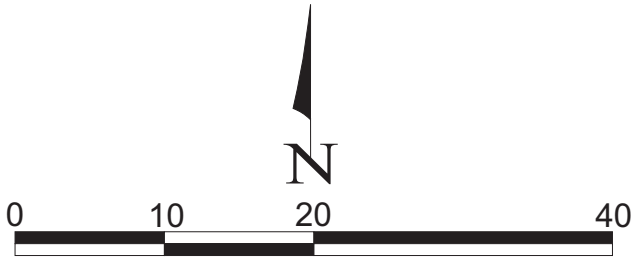
Providing Practical Environmental Compliance Solutions
Offices In: Anchorage | Tacoma | Portland

Exhibit C

MAP ILLUSTRATING LOCATION OF RESTRICTIONS

[Attached as Following Page]





Impermeable Barrier Placement and
Property Boundary Location
23418 Pacific Hwy S
Kent, WA 98032

Date:	October 29, 2019
Completed By:	C. Long
Reviewed By:	S. Spencer
Version:	ECI-001
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Figure No.: 02

Sheet 02 of 02

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