



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

April 8, 2021

Laurie Goldman
Muscatel Midway Properties, LLC.
P O Box 826
Mercer Island, WA 98040
muskygold@gmail.com

Re: Application Acceptance – Voluntary Cleanup Program

- **Site name:** Southgate Oil – Muscatel Midway Properties
- **Site address:** 23428 Pacific Hwy S Kent, Washington 98032
- **Facility/Site ID:** 84946863
- **Cleanup Site ID:** 6762
- **VCP Project ID:** NW3309

Dear Laurie Goldman

The Department of Ecology (Ecology) accepted your application to the Standard process of the Voluntary Cleanup Program (VCP) for the Southgate Oil – Muscatel Midway Properties facility (Site). We applaud your initiative and welcome your interest in the VCP. This letter provides important information on how we will review your VCP cleanup project (Project) at the Site.

Agreement

We completed and signed your Standard VCP agreement for the project on April 6, 2021. This date is the effective date of the agreement. Enclosure A includes a copy of your signed agreement.

Identification Numbers

We have assigned a unique name and number to your Site. We have also assigned a unique number to your Project at the Site. This information is at the bottom of the first page of the VCP agreement (Enclosure A). When contacting us, please reference this information to identify your Project.

Communications

For the duration of the Project, Ecology will communicate directly with your designated project manager. Please direct your communications to the site manager we assigned to your Project. Both contacts are identified below.

Ecology's Site Manager

We assigned the following site manager as our point of contact for your Project:

Jing Song
Toxics Cleanup Program, NWRO
Department of Ecology
3190 160th Ave. SE
Bellevue, WA 98008
Phone: (425) 649-7109
E-mail: jiso461@ecy.wa.gov

Customer's Project Manager

Unless otherwise requested, we will communicate only with you, the project manager you listed on your VCP application form. If someone replaces you as project manager, or your contact information changes, please submit a completed [Change of Contact form](#).¹

Request for Written Opinion

In your application, you requested a written opinion on the sufficiency of your Letter Report. We will review the document you submitted and expect to provide a written response within approximately 90 days.

Reporting Requirements

When requesting written opinions on planned or completed remedial actions, you must comply with the following reporting requirements to avoid unnecessary delays in the VCP process:

- **Licensing.** You must submit documents containing geologic, hydrogeologic, or engineering work under the seal of an appropriately licensed professional, as required by chapters [18.220](#)² and [18.43](#)³ RCW.
- **Data Submittal.** You must submit environmental data to our [Environmental Information Management](#) (EIM) system.⁴ [Enclosure B](#) includes a copy of the [Toxics Cleanup Program Policy 840](#),⁵ which describes data submittal requirements. Visit the [EIM Submit Data webpage](#) for submittal instructions.

¹ <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>

² <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.220>

³ <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.43>

⁴ <https://ecology.wa.gov/eim>

⁵ <https://fortress.wa.gov/ecy/publications/SummaryPages/1609050.html>

Payment

Ecology will send monthly invoices to the billing contact listed in your VCP application form. Payment is due within 30 calendar days of the invoice date. Our invoice will include a summary of costs incurred, payments received, names of staff billing to the project, and the time spent on the project during the previous month.

If you replace your billing contact or their contact information changes, you must submit a completed change of contact form.

Contact Information

We are committed to working with you to reach the prompt and effective cleanup of your Site. If you have any questions, please contact your Site Manager Jing Song at (425) 649-7109 or at his e-mail at jiso461@ecy.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sonia', with a stylized flourish extending upwards and to the right.

Sonia Fernández
VCP Coordinator
Toxics Cleanup Program, NWRO

SF/sf

Enclosures (1):
A – Copy of signed Standard VCP Agreement

cc:
Javan Ruark, Farallon Consulting, LLC.
Kelli Barker, Ecology VCP Budget Analyst

Enclosure A

Copy of Signed Standard VCP Agreement

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for double-sided copying.



Voluntary Cleanup Program Agreement

Washington State Department of Ecology Toxics Cleanup Program

For completion by Ecology only	Facility/Site Name:	Muscatel Midway Properties (Southgate Oil)
	Facility/Site No.:	84946863
	VCP Project No.:	NW3309

Instructions

Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page, and sign the Agreement on the second page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below; 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the State of Washington Department of Ecology (Ecology) and Muscatel Midway Properties LLC (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address: 23418 Pacific Highway South, Kent Washington 98032

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or Chapter 173-340 WAC, then that definition shall govern.

Services Provided by Ecology

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70.105D.180, any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold any requested opinions and notify the Customer by certified mail that the debt is past due.

If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under Chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

Reservation of Rights / No Settlement

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

Effective Date, Modifications, and Severability

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

Termination of Agreement

Either party may terminate this Agreement without cause by sending written notice by U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

Washington State Department of Ecology



Signature

Robert W. Warren

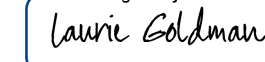
Printed Name

Section Manager,
Toxics Cleanup Program, NWRO

April 6, 2021

Date

Customer
Signed by:



Signature

Laurie Goldman

Printed Name of Signatory

Laurie Goldman

Title of Signatory

11/25/2020

Date

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



VCP Application Standard and Expedited Processes

Washington State Department of Ecology
Toxics Cleanup Program

Application Form

The Department of Ecology (Ecology) may provide informal, site-specific, technical consultations to persons conducting independent remedial actions at contaminated sites under the [Voluntary Cleanup Program](#) (VCP).¹ Ecology may provide the consultations under either the **Standard VCP** process or the **Expedited VCP** process.

Check the box
of the process
you are applying for:

- ☒ **Standard VCP**
☐ **Expedited VCP**

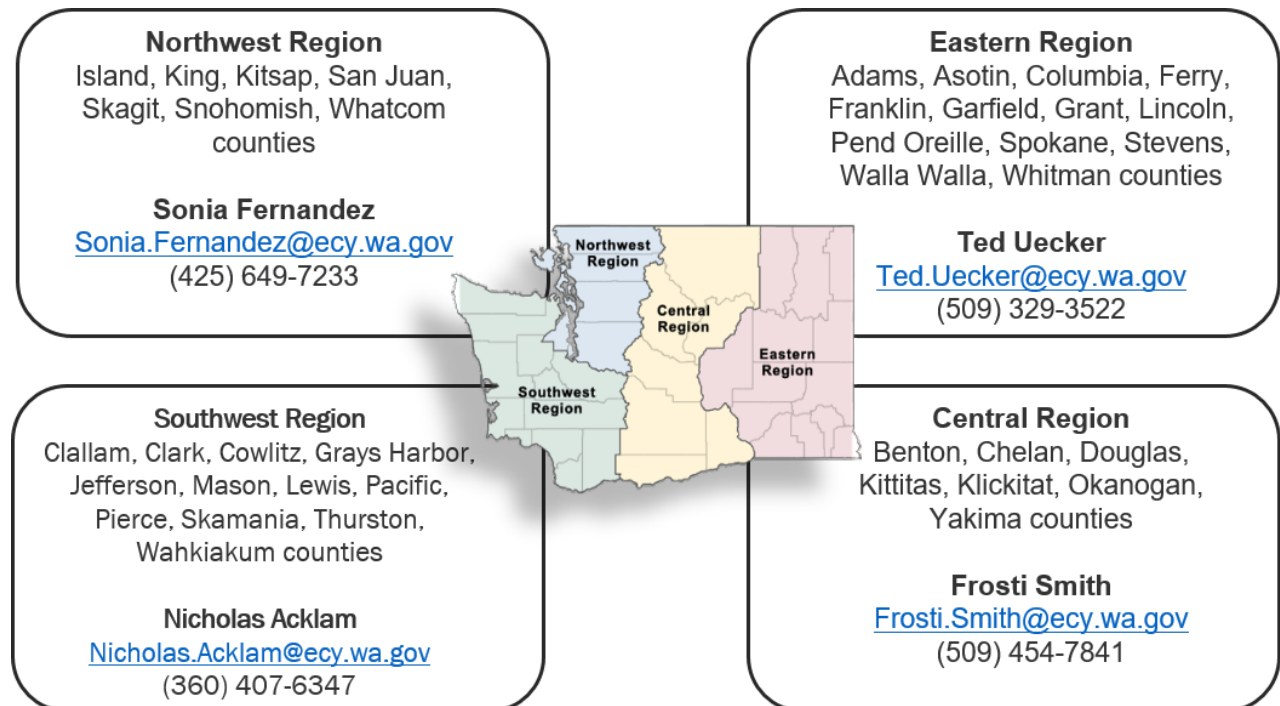
Apply to the **Standard VCP** process

To apply for the **Standard VCP** process, you **must** submit to Ecology all the following:

- VCP application form, completed and signed ← **this form**
- [VCP agreement](#) form,² signed by applicant
- [Agency determination checklist](#),³ completed.

To **request an opinion** on a planned or completed remedial action, you **must** complete **Part 1.F** in this form. Submit with this application one searchable pdf file and one hard copy of each report you want us to review. See our report requirements on our [Working with the Voluntary Cleanup Program webpage](#).⁴

Send your completed application to our regional contact listed, based on your site's county.



¹ <https://www.ecy.wa.gov/VCP>

² <https://fortress.wa.gov/ecy/publications/SummaryPages/ecy070324.html>

³ <http://ecyapfass/Biblio2/SummaryPages/ECY070620.html>

⁴ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP>

Apply to the Expedited VCP process

You may apply for the **Expedited VCP** process only during periods specified by Ecology. To see when Ecology is accepting **Expedited VCP** applications, see the [Expedited VCP webpage](#)⁵ or subscribe to our [Expedited VCP email list](#).

To apply for the **Expedited VCP** process, you **must** submit to Ecology all the following:

- VCP application form, completed and signed ← **this form**
- [Expedited VCP agreement](#),⁶ signed by applicant
- [Agency determination checklist](#), completed
- Remedial investigation report or equivalent, meeting the elements of our [remedial investigation checklist](#), and other reports you want us to review (one searchable pdf file and one hard copy each)
- Electronic environmental data submitted to the [Environmental Information Management](#) (EIM) system,⁷ which provides automatically generated email as confirmation
- Project schedule.

See the [Voluntary Cleanup Program \(VCP\): Guidance for the Expedited VCP Process](#)⁸ for additional information.

To **submit** your **Expedited VCP** application to Ecology, upload electronic files to [Box.com](#),⁹ after creating your online account. Send hard copy materials to:

[Sarah Wollwage](#), Expedited VCP Planner
Toxics Cleanup Program
Department of Ecology
PO Box 47600
Lacey, WA 98504-7600

Do not send your **Expedited VCP** application materials to an Ecology regional office.

You **must pay** the **nonrefundable application fee** within seven calendar days of receiving our invoice, or we may reject your **Expedited VCP** application. After receiving the complete application, we will send the invoice to the email listed for the project billing contact in **Part 1.C** of this form. We will not process your application until we have received payment. Contact [Sarah Wollwage](#) at Sarah.Wollwage@ecy.wa.gov or (360) 407-7141 for additional information.

Part 1 – Administration

1.A Applicant. The applicant is the person or organization requesting services from Ecology, and is responsible for paying Ecology's incurred costs incurred. The agreement explains the applicant's authority and duty.
Name of applicant: Muscatel Midway Properties, LLC
What type of entity is the applicant?
☐ Person A person applicant must serve as the project billing contact. Identify this person and their contact information in both Parts 1.B and 1.C .
☒ Organization An organization applicant must identify the project manager in Part 1.B and the project billing contact in Part 1.C . The organization must employ both persons.

⁵ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/VCP-Expedited>

⁶ <http://ecyapfaff/Biblio2/SummaryPages/ECY070633.html>

⁷ <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/EIM-submit-data>

⁸ <https://fortress.wa.gov/ecy/publications/summarypages/2009053.html>

⁹ <https://account.box.com/login>

Part 1 – Administration

What is the applicant's involvement at the site? Check **all that apply**.

- | | | |
|--|--|--|
| ☒ property owner | ☐ business owner (operator) | ☐ agent of property owner |
| ☐ past property owner | ☐ mortgage holder | ☐ private person / organization |
| ☐ future property owner | ☐ consultant | ☐ public agency / organization |
| ☐ property lessee | ☐ attorney | |
| ☐ other – specify: _____ | | |

Expedited VCP note: The **Expedited VCP** applicant **must** have an ownership interest in or operate the facility or have a contractual right to purchase, redevelop, or reuse the facility. Agents for the property owner, such as a consultant, **may not apply** for the **Expedited VCP process**.

If not the current property owner, is the applicant authorized to grant property access? ☒ yes ☐ no

1.B Project manager. We will send the project manager all official correspondence. The project manager **must** be either the applicant or employed by the applicant. The project manager may not be an independent contractor hired by the applicant. Enter the required information.

Name: Javan Ruark

Title: Project Manager

Mailing address: 975 5th Ave NW, Suite 100

City: Issaquah

State: Washington

Zip: 98027

Phone: (425) 295-0827

Email: jruark@farallonconsulting.com

Fax: (425) 295-0850

1.C Project billing contact. We will send the project billing contact monthly invoices. The project billing contact **must** be either the applicant or employed by the applicant. The project billing contact may not be an independent contractor hired by the applicant. Enter the required information.

Name: Laurie Goldman

Title:

Mailing address: PO Box 826

City: Mercer Island

State: Washington

Zip: 98040

Phone: (925) 232-0569

Email: muskygold@gmail.com

Fax:

1.D Project consultant.

Is the applicant a consultant?

☐ yes ☒ no

If **"yes"**, skip to **Part 1.E**.

If **"no"**, **and** the applicant hired a consultant to conduct the independent remedial action, enter the required information.

Name: Javan Ruark

Title: Project Manager

Organization: Farallon Consulting LLC

Mailing address: 975 5th Avenue Northwest

City: Issaquah

State: Washington

Zip: 98027

Phone: (425) 295-0827

Email: jruark@farallonconsulting.com

Fax: (425) 295-0850

Do you want us to contact the project consultant? ☒ yes ☐ no

Part 1 – Administration

1.E Property owner.		
Is the applicant the owner of the property where independent remedial action is being conducted?		
☒ yes If “yes” , enter the type of entity and skip to Part 1.F . ☐ no If “no” , enter below all of the required information.		
Name:		Title:
Organization:		
Mailing address:		
City:	State:	Zip:
Phone:	Email:	Fax:
What type of entity is the property owner? Check one .		
☒ private	☐ tribal	☐ federal
☐ county	☐ municipal	☐ public school
☐ other – specify: _____	☐ state	☐ mixed
1.F Request for written opinion.		
Are you requesting a written opinion at this time? ☒ yes ☐ no		
If “yes” , list the report(s) or plan(s) below you are requesting a written opinion for. Note: Your reports must meet the requirements on our Working with the Voluntary Cleanup Program . ¹⁰		
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 dated December 31, 2019, prepared by ECI Environmental Services.		
Summary Report Subsurface Investigation and Cleanup Action, Muscatel Midway Property, 23418 Pacific Highway South, Kent, Washington dated March 5, 2021, prepared by Farallon Consulting, LLC.		
Attach to this application additional remedial action reports or plans you want us to review. We will base our opinion on the information in the site file, including information attached to this application.		
1.G Reporting requirements. Comply with the following two reporting requirements when requesting written opinions on planned or completed remedial actions.		
1.G.1 Professional licensing. Documents submitted containing geologic, hydrogeologic, or engineering work must be stamped by of an appropriately licensed professional, as required by Chapters 18.220 and 18.43 RCW.		

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP>

Part 1 – Administration

1.G.2 Data submittal to EIM. You **must** submit all site environmental sampling and analysis data in an electronic format that meets our requirements for transfer into our [EIM](#) system. Refer to our [EIM](#) webpage for instructions on how to apply for an account and submit your data. Failure to comply with these requirements may result in unnecessary delays.

For **Expedited VCP** applications **only**, the study ID and CSV file name **must** both begin with “XVC” in the title. **Do not** use spaces or hyphens in either the study ID or CSV file name.

Have you submitted all the site’s environmental data to EIM? ☐ yes ☒ no

☐ yes If “**yes**”, enter the study ID and CSV file name below.

☒ no If “**no**”, and data need to be submitted, submit your data to EIM first, and then complete the required information below.

We will not accept your **Expedited VCP** application unless you have satisfied these requirements.

We will not issue a no further action (NFA) opinion, unless you have satisfied these requirements.

Study ID	CSV File name	Submitted to EIM? (y/n)
Ex: XVCNW9999	Ex: XVCnw9999_June20_results.csv	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	

Part 2 – Site description

2.A Site name. If we have already identified the site, enter the site name we provided. Otherwise, enter a suggested name for the site. You may also include an alternative name.

Name: Muscatel Midway Property

Alternative name:

2.B Source property. The source property is the property where hazardous substances were released into the environment. For example, for an underground storage tank (UST) release, the source property is where the underground storage tank is located that caused the release.

Do you know on which property the releases occurred? ☒ yes ☐ no

If “**yes**”, refer to the source property when identifying the physical address and geographic position below.

If “**no**”, refer to the property addressed by your cleanup when identifying the physical address and geographic position below.

2.B.1 Physical address. Enter the property’s physical address.

Street address: 23428 Pacific Highway South

Part 2 – Site description

City: Kent		State: Washington		Zip: 98032
2.B.2 Geographic position. Enter the property's geographic position.				
Coordinates	Latitude: 47.391576	Degrees:	Minutes:	Seconds:
	Longitude: - 122.294391	Degrees:	Minutes:	Seconds:
Location on property (e.g., point of release or center of parcel)		Center of parcel		
Collection method (e.g., GPS or address matching)		GIS		
Collection source (i.e., map scale)		Google Maps and Microsoft Virtual Earth Mercator projection		
Horizontal datum (i.e., base reference for coordinate system)		World Geodetic System 1984 geographic coordinate system		
Accuracy level (i.e., +/- feet or meters)		Not applicable		
Legal descriptions				
TRS data	Township: 22	Range: 4	Section: 16	Quarter-quarter: SE
Tax parcels	250060-0480			
2.C Affected properties. An affected property is a property affected by the hazardous substances released on the source property. For example, a leaking UST release on one property (source property) may migrate through the soil or groundwater to an adjacent property (affected property).				
Do any of the releases affect any properties adjacent to the source property? ☒ yes If "yes" , identify below each property you know has been affected by the releases on the source property. If you need to add more information, go to 2.C in the additional information pages at the end of this form. ☐ no If "no" , skip to Part 2.D . ☐ unknown If "unknown" , skip to Part 2.D .				
1	Address: 23418 Pacific Highway South, Kent, Washington 98032			
	Tax parcels: 250060-0465			
2	Address:			
	Tax parcels:			
3	Address:			
	Tax parcels:			
4	Address:			
	Tax parcels:			
2.D Public rights-of-way affected by the releases.				
Do any of the releases affect a public right-of-way (e.g., roadways)? ☐ yes ☒ no ☐ unknown If "yes" , specify below. Otherwise, skip to Part 2.E . If you need to add more information, go to 2.D in the additional information pages at the end of this form.				

Part 2 – Site description

2.E Extent of the site.
What is the approximate areal extent of the site? Check only one . ☐ < 5,000 square feet ☒ > 5,000 square feet, < 1 acre ☐ unknown ☐ > 1 acre, < 10 acres ☐ > 10 acres
2.F Description of site release(s).
2.F.1 Release source(s).
What are the source(s) of the release(s) at the site? Check all that apply . ☐ area-wide lead and arsenic soil contamination (see "Area-wide soil contamination" below) ☐ non-point source (e.g., contaminated soil used as fill) ☒ point source (e.g., leaking tank) ☐ unknown ☐ other – specify: _____ Describe below the release source(s). If you need to add more information, go to 2.F.1 in the additional information pages at the end of this form.
Former underground storage tanks (USTs), associated piping, and pump islands at the Source property that contained gasoline, diesel, and heating oil.
2.F.2 Release circumstances. Describe the release circumstances. If you need to add more information, go to 2.F.2 in the additional information pages at the end of this form.
Leaking and overfilling of USTs and associated leaking piping during historical operations of a bulk fuel storage facility at the Source property. Operation of pump islands also contributed to historical releases.

Part 2 – Site description

2.F.3 Release discover circumstances. Describe the release discovery circumstances. If you need to add more information, go to [2.F.3](#) in the additional information pages at the end of this form.

Petroleum impacted soil was discovered during UST decommissioning activities that were conducted in 2000 by Nowicki and Associates, Inc. at the Source Property.

2.F.4 Area-wide soil contamination. Visit the [Dirt Alert Program webpage](#)¹¹ or see the Management Plan for the [Tacoma Smelter Plume project](#)¹² for information about the area-wide soil contamination projects.

Is the site in an area affected by smelter emissions, such as from the Tacoma Smelter Plume area?

☒ yes ☐ no ☐ unknown

See if the site is within the mapped [Tacoma Smelter Plume area](#).

Is the site located in a former fruit orchard in operation before 1947? ☐ yes ☒ no ☐ unknown

Is the site affected by area-wide arsenic or lead soil contamination? ☐ yes ☐ no ☒ unknown

2.G Nature and extent of contamination. The following refers to conditions after the release but before cleanup.

Hazardous substances and affected media. Identify hazardous substances released and media (e.g., soil) affected by those substances to the extent known. Use the codes at the end of the table.

Hazardous substance	Check affected media				
	Soil	Ground-water	Surface water	Sediment	Air
Ex: benzene	C	S	N/A	N/A	B
Diesel-range organics	C	N/A	N/A	N/A	N/A
Oil-range organics	C	N/A	N/A	N/A	N/A
Gasoline-range organics	C	N/A	N/A	N/A	N/A
Lead	C	N/A	N/A	N/A	N/A
Cadmium	C	N/A	N/A	N/A	N/A
Naphthalene and Total Naphthalenes	C	N/A	N/A	N/A	N/A
Mercury	C	N/A	N/A	N/A	N/A
cPAHs	C	N/A	N/A	N/A	N/A
Arsenic	B	N/A	N/A	N/A	N/A
Barium	B	N/A	N/A	N/A	N/A
Chromium	B	N/A	N/A	N/A	N/A

¹¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Dirt-Alert-program>

¹² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Tacoma-smelter>

Part 2 – Site description

Ethylbenzene	B	N/A	N/A	N/A	N/A
Xylenes	B	N/A	N/A	N/A	N/A
Tetrachloroethene	B	N/A	N/A	N/A	N/A
Benzene	O	N/A	N/A	N/A	N/A
Toluene	O	N/A	N/A	N/A	N/A

C = confirmed, greater than cleanup level

B = confirmed, less than cleanup level

O = confirmed, not present

S = suspected

N/A = not suspected

U = unknown

2.G.1 Drinking water.

Does site contamination pose a threat or potential threat to an existing drinking water source (groundwater or surface water)? ☐ yes ☒ no ☐ unknown

If “yes”, what type of drinking water system is threatened by the contamination? Check **all that apply**.

☐ single family ☐ public

If “**public drinking water supply**” is selected, is the contamination located within or upstream of a 10-year wellhead protection area? ☐ yes ☐ no ☒ unknown

If “yes”, or help is needed, see the [Source Water Assessment Program \(SWAP\) Mapping Tool](https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/SourceWater/GISMappingTool)¹³ or call the Department of Health at (800) 521-0323 for information.

2.G.2 Indoor air.

Are contaminant odors noted in any buildings, underground utilities conduits, or other confined spaces?

☐ yes ☐ no ☒ unknown

If “yes”, specify below. If you need to add more information, go to [2.G.2](#) in the additional information pages at the end of this form.

2.H Site maps.

Attach to this application maps that identify:

- site location
- affected properties and public rights-of-way
- source(s) of release(s)
- nature and extent of contamination
- impacted human or ecological receptors (e.g., through drinking water supplies)
- site physical characteristics (e.g., property lines, building and roadway outlines, surface water bodies, water supply wells, groundwater flow direction, and utility rights-of-way)
- adjacent properties and their uses (e.g., gas station, dry cleaner, residential).

¹³ <https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/SourceWater/GISMappingTool>

Part 3 – Operational History

3.A Current use of source property. The following refers to only the source property and **not** other properties affected by the site contamination. Add information to the best of your ability.

3.A.1 Current property owners. Identify the current owner of the source property.

Name: Juan and Rojas Adriana Castaneda

Title:

Organization:

Mailing address: 23428 Pacific Highway South

City: Kent

State: Washington

Zip: 98032

Phone:

3.A.2 Current business owner (operator). Identify the current business owner operating on the source property.

Name:

Title:

Organization:

Mailing address:

City: Kent

State:

Zip:

Phone:

3.A.3 Current business operations. Identify the current business operations on the source property.

What is the current land use of the source property? Check **all that apply**.

☐ residential ☐ commercial ☐ industrial ☐ agricultural ☐ childcare facility
☐ school ☐ park ☒ other – specify: Vacant

Does a commercial or industrial business currently operate on the source property?

☐ yes ☒ no ☐ unknown

If “**yes**”, identify in the following table the current business operations using the North American Industry Classification System (NAICS) codes and specifying the operations.

NAICS Code	Operations Description
Ex: 447110	Gasoline stations with convenience stores

Is a solid waste handling facility located on the source property?

☐ yes ☒ no ☐ unknown

If “**yes**”, identify below. If you need to add more information, go to [3.A.3](#) in the additional information at the end of this form.

Part 3 – Operational History

Is a dangerous waste treatment, storage, or disposal facility located on the source property?

☐ yes ☒ no ☐ unknown

If “yes”, identify here: .

If you need to add more information, go to [3.A.3](#) in the additional information pages at the end of this form.

3.A.4 Regulation of current business operations.

Does the business operate under any federal, state, or local permits (e.g., NPDES) related to the release of hazardous substances into the environment? ☐ yes ☒ no ☐ unknown

If “yes”, specify below the regulated operation, the name of the permit, and the date it was issued.

Regulated operation	Permit	Date issued
Ex: wastewater discharge	NPDES permit	02/02/02

Has a state or federal notice of enforcement action (e.g., notice of violation) ever been issued related to the release of hazardous substances at the business? ☐ yes ☐ no ☒ unknown

If “yes”, specify notice and year issued: _____

Have business operations resulted in any other spills or other unpermitted releases on the source property? ☐ yes ☐ no ☒ unknown If “yes”, list in the following table.

Release	Date of release	Status of release

3.A.5 Storage tank information. Identify all aboveground storage tanks (ASTs) and USTs that have been used to store hazardous substances on the source property, regardless of whether the tanks are still in service or in place. Enter “U” where unknown.

Identification				Status and Closure				Releases	
Hazardous substance	AST or UST	Size (gal.)	Tank ID	Date installed	In use (y/n)	Date closed	Closure method (*)	Past (y/n)	Current (y/n)
Ex: diesel	UST	10,000	4	02/87	N	5/98	removed	Y	N
Heating Oil	UST	20,000	1	1962	N	2/02	Removed	Y	N
Gasoline/Diesel	UST	10,000	2	1964	N	10/00	Removed	N	N
Gasoline/Diesel	UST	5,000	3	1973	N	10/00	Removed	Y	N
Heating Oil	UST	25,000	4	02/91	N	2/02	Removed	N	N
Diesel	UST	1,000	5	03/91	N	10/00	Removed	Y	N
Diesel	UST	3,000	6	U	N	10/00	Removed	Y	N
Gasoline	UST	3,000	7	U	N	10/00	Removed	Y	N
Diesel/Heating Oil	UST	650	8	U	N	10/00	Removed	Y	N
Gasoline	UST	1,000	9	U	N	10/00	Removed	Y	N

Part 3 – Operational History

Diesel	UST	275	10	U	N	10/00	Removed	Y	N
Diesel	UST	550	11	U	N	10/00	Removed	Y	N

(*) Options = removed or closed in place.

3.B Past use of source property. The following refers to only the source property, not other properties affected by the site.

3.B.1 Past property owners. Identify the owner of the source property when the release occurred.

Name: Marsilio Di Giovanni	Title:
Organization: Midway Investments and Properties LLC	
Mailing address: 17015 53 rd Avenue South	
City: SeaTac	State: Washington Zip: 98188
Phone: (206) 243-0595	Fax: Email:

3.B.2 Past business owners (operators). Identify the site business owner (operator) when the release occurred.

Name: John Matejka and Charles Williams	Title:
Organization: Southgate Oil	
Mailing address: 23428 Pacific Highway South	
City: Kent	State: Washington Zip: 98032
Phone: (206) 878-2474	Fax: Email:

3.B.3 Identification of past business operations. Identify the past operations of businesses on the source property using the NAICS codes and/or specifying the operations.

NAICS Code	Operations description
Ex: 447110	Gasoline stations with convenience stores
424710	Petroleum Bulk Station and Terminal

3.C Future use of source and affected properties. The following refers to both source and affected properties.

Will any ownership interest in the source property or affected properties be conveyed before or upon cleanup completion? ☐ yes ☐ no ☒ unknown

If “yes”, specify below. If you need to add more information, go to [3.C](#) in the additional information pages at the end of this form.

Part 3 – Operational History

3.D Redevelopment plans as part of cleanup.

Will any of the source or affected properties, or portions of those properties, be redeveloped as part of the cleanup? ☐ yes ☐ no ☒ unknown

If “**yes**”, specify below the proposed land use. Check **all that apply**.

☐ residential ☐ school ☐ commercial ☐ industrial ☐ childcare facility
☐ agricultural ☐ park ☐ other – specify:

Also, specify below the activities proposed for that land use. If you need to add more information, go to [3.D](#) in the additional information pages at the end of this form.

Part 4 – Administrative history

Have you previously reported the release(s) of hazardous substances?

☐ yes ☒ no ☐ unknown If “**yes**”, when? _____

Has cleanup of the site, or any portion of the site, ever been managed under the **Standard VCP** or **Expedited VCP**? ☒ yes ☐ no ☐ unknown

If “**yes**”, specify **Standard VCP** or **Expedited VCP** project number: NW0982

Has the site cleanup, or any portion, ever been managed under a federal or state order or decree?

☐ yes ☒ no ☐ unknown If “**yes**”, specify type and docket number: _____

Part 5 – Independent remedial actions

5.A Scope of remedial actions.

Do you plan to characterize and investigate all site contamination, including contamination on affected adjacent properties, as part of your cleanup project? ☒ yes ☐ no ☐ unknown

If “**no**”, describe below the scope of the cleanup project, including the contamination (properties, portions of a property, media and/or hazardous substances) that you **do not** plan on characterizing or investigation as part of the **Standard VCP** or **Expedited VCP** project. If you need to add more information, go to [5.A](#) in the additional information pages at the end of this form.

Part 5 – Independent remedial actions

5.B Status of remedial actions.

What is the current status of remedial actions at the site? Check **all that apply** in table.

Remedial action	Planned	Ongoing	Completed	Not applicable
Initial response (UST only)				X
Interim action				X
Remedial investigation			X	
Feasibility study			X	
Cleanup action			X	

5.C Documentation of remedial actions.

List all known remedial action plans or reports produced for the site, including:

- title
- preparer
- date produced
- whether submitted to us
- date submitted to us

If you need to add more information, go to [5.C](#) in the additional information pages at the end of this form.

	Title	Preparer	Date	Submitted to Ecology	
				yes/no	date
Ex:	Jane Doe site: Remedial Investigation Work Plan	Freedom Consulting	02/20/19	no	n/a
1	Initial Site Assessment, Southgate Oil Site	Nowicki and Associates, Inc	11/09/00	No	N/A
2	Progress Site Assessment, Southgate Oil Site	Nowicki and Associates, Inc	12/01/00	No	N/A
3	Progress Site Assessment, Southgate Oil Site	Nowicki and Associates, Inc	3/22/01	No	N/A
4	Progress Site Assessment, Southgate Oil Site	Nowicki and Associates, Inc	05/03/01	Yes	05/09/01
5	Underground Storage Tank Decommissioning and Soil Remediation Project	Sound Environmental Strategies, Corp.	02/25/02	Yes	10/11/02
6	Focused Subsurface Investigation Report	ECI Environmental Services	12/18/17	No	N/A
7	Phase II Environmental Site Assessment Report, Sound Transit-Federal Way Link Extension, Parcel FL-209	GeoEngineers, Inc.	09/21/18	No	N/A

Part 5 – Independent remedial actions

8	Phase II Environmental Site Assessment Report, Sound Transit-Federal Way Link Extension, Parcel FL-207	GeoEngineers, Inc.	09/21/18	No	N/A
9	Supplemental Focused Subsurface Investigation Report	ECI Environmental Services	03/03/19	No	N/A
10	Cleanup Action Report	ECI Environmental Services	12/31/19	No	N/A
11	Letter regarding Correction to the Cleanup Action Report	ECI Environmental Services	07/10/20	No	N/A

Part 6 – Statement and signature

6.A Statement and signature. The undersigned affirms that the information provided in this application is true and accurate to the best of the applicant's knowledge. Someone other than the applicant may sign this application form.					
Name: Javan Ruark			Title: Project Manager		
Signature: 				Date: 3/5/2021	
Organization: Farallon Consulting LLC					
Mailing address: 975 5 th Avenue Northwest					
City: Issaquah			State: Washington		Zip: 98027
Phone: (425) 295-0827		Email: jruark@farallonconsulting.com		Fax: (425) 295-0850	
6.B Affiliation. What is the signatory's involvement at the site? Check all that apply . ☐ applicant ☐ property owner ☒ consultant ☐ attorney ☐ other - specify:					
Expedited VCP note: While anyone may sign the application form , only certain types of applicants are eligible to join Expedited VCP process and sign the Expedited VCP agreement . To sign the agreement, the applicant must have an ownership interest in or operate the facility or have a contractual right to purchase, redevelop, or reuse the facility. If the applicant is a corporation, a representative authorized to bind the corporation must sign the Expedited VCP agreement .					

If you need this publication in an alternative format, please call the Toxics Cleanup Program at 360-407-7170 or visit our [Toxics Cleanup Program webpage](https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup).¹⁴ Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

¹⁴ <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>

Additional Information Pages

Insert information here that does not fit into the application format above.

2.C Affected properties (continued)	
5	Address:
	Tax parcels:
6	Address:
	Tax parcels:
7	Address:
	Tax parcels:
8	Address:
	Tax parcels:
9	Address:
	Tax parcels:
10	Address:
	Tax parcels:

2.D Public rights-of-way affected by the releases (continued)

2.F.1 Release source(s) (continued)

2.F.2 Release circumstances (continued)

<u>2.F.2</u> Release circumstances (continued)

<u>2.F.3</u> Release discovery circumstances (continued)

<u>2.G.2</u> Indoor air (continued)

<u>3.A.3</u> Current business operations (continued)

<u>3.C</u> Future use of source and affected properties (continued)

<u>3.D</u>	Redevelopment plans (continued)

<u>5.A</u>	Scope of remedial actions (continued)

<u>5.C</u>	Documentation of remedial actions (continued)

<u>5.C</u> Documentation of remedial actions (continued)



Voluntary Cleanup Program

Washington State Department of Ecology Toxics Cleanup Program

Agency Determination Checklist

How to use this checklist

This checklist helps you determine which Washington State technical assistance program to apply for:

- **Department of Ecology (Ecology)**
 - Voluntary Cleanup Program (VCP)
- **Pollution Liability Insurance Agency (PLIA)**
 - Petroleum Technical Assistance Program (PTAP)
 - Heating Oil Technical Assistance Program (HOTAP).

Ecology will not accept VCP applications for independent cleanup projects eligible for a PLIA program. PLIA provides technical assistance for releases of petroleum or heating oil from tank systems. PLIA is a separate agency and not an Ecology program.

This determination does not guarantee acceptance into the VCP. Ecology may decide to supervise remedial action at the site under an order or decree, based on site-specific conditions.

What these programs provide

Ecology and PLIA may provide informal, site-specific, technical consultations for independent cleanup actions. Each can provide such consultations under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations Chapter 173-340 WAC and Chapter 70.149.040(9) RCW.

Applying to Ecology's VCP

You can apply for one of two VCP processes: Standard VCP process and Expedited VCP process. The eligibility requirements for the Standard VCP process and Expedited VCP process are listed on the [Standard VCP webpage](https://ecology.wa.gov/Voluntary-Cleanup-Program/Voluntary-Cleanup-Program-Standard-Voluntary-Cleanup-Program)¹ and the [Expedited VCP webpage](https://ecology.wa.gov/Voluntary-Cleanup-Program/Voluntary-Cleanup-Program-Expedited-Voluntary-Cleanup-Program),² respectively.

1. **Standard VCP process:** Complete your Standard VCP application, which **must** include all required materials listed in the VCP application form, following its instructions. Submit your completed application to the appropriate Ecology regional office, based on your site's [county](#).³
2. **Expedited VCP process:** Complete your Expedited VCP application, which **must** include all required materials listed in the VCP application form, following its instructions. Subscribe to the Expedited VCP [email list](#) to receive notices and updates of when Ecology opens or closes its application periods.

**Determination
verification**
(for use by Ecology)

☒ correct

☐ incorrect

¹ <https://ecology.wa.gov/VCP>

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Voluntary-Cleanup-Program-Expedited>

³ <https://ecology.wa.gov/About-us/Get-to-know-us/Contact-us/Regional-contacts>

Applying to PLIA's HOTAP or PTAP

Follow PLIA's application instructions on the [PLIA website](#)⁴ when applying for HOTAP or PTAP.

Part 1 - Administration**1.A. Fill in the applicant name and application submission date:**

Applicant name: Muscatel Midway Properties, LLC

Application submission date: March 5, 2021

1.B. Final agency determination of eligibility

Complete this [Part 1.B](#), after reviewing site eligibility in **Parts 2 through 6** in this form:

- ☒ Apply for Ecology's VCP
- ☐ Apply for PLIA's PTAP or HOTAP

Part 2 – Non-heating oil petroleum tank release sites

PLIA has responsibility for some non-heating-oil petroleum tank release sites (i.e., storage tank systems that contain petroleum or a mixture of petroleum with de minimus quantities of other substances) meeting inclusionary/exclusionary factors developed jointly by Ecology and PLIA, in accordance with Chapter 70.149.040(9) RCW.

Non-heating-oil petroleum includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used/waste oils.

Non-heating-oil petroleum does **not** include propane, asphalt, or other petroleum products that are not liquid at standard conditions of temperature and pressure.

- ☒ Site is a non-heating-oil petroleum storage tank release site.

If you checked this box, move to [Part 4](#). Otherwise, **STOP**. Apply for Ecology's VCP.

Part 3 – Heating oil tank release sites

As of July 23, 2017, Ecology and PLIA policies dictate that independent remedial actions at heating oil tank release sites can best serve Washington residents, and provide greater flexibility and capacity for cleanup of contaminated sites, when conducted under PLIA's HOTAP.

Heating oil includes petroleum products used for space heating in oil-fired furnaces, heaters, and boilers, and includes stove oil, diesel fuel, or kerosene.

Heating oil does **not** include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing, or generating electrical energy.

⁴ plia.wa.gov

3.A. Heating oil tank release sites

PLIA is responsible for heating oil tank release sites, with the exception of sites that meet both requirements in [Part 3.B](#).

- ☐ This site is an abandoned, active, or decommissioned heating oil tank release site (including tanks above ground, below ground, or in a basement).

If you checked this box, move to [Part 3.B](#). Otherwise, skip to [Part 4](#).

3.B. Comingled contamination

If comingled contamination exists at your site, your site is no longer considered a heating oil tank release site, but you may apply for Ecology's VCP or PLIA's PTAP.

- ☐ Comingled contamination exists at your site.

If you checked this box, move to [Part 4](#). Otherwise, skip to [Part 3.C](#).

3.C. Heating oil tank release site exemptions

Ecology and PLIA may agree to allow Ecology to make heating oil tank release site determinations for releases that involve sites already being cleaned up under Ecology's authority.

- ☐ The heating oil tank release occurred at a site already being cleaned up under Ecology's authority.
- ☐ Ecology and PLIA have agreed that Ecology can make a heating oil tank release site determination for this site.

If you checked either box, **STOP**. Apply for Ecology's VCP.

If you did **not** check either box, **STOP**. Visit [PLIA's website](#) to apply for HOTAP.

Part 4 – Inclusionary factors

Ecology and PLIA have jointly developed inclusionary factors for non-heating-oil petroleum tank release sites. If a non-heating-oil petroleum tank release site meets any of the factors in [Parts 4.A](#) and [4.B](#), you may apply for PLIA's PTAP (depending on results from completing [Part 5](#)).

4.A. Ranking and inclusionary factors

The following inclusionary factors are based on the [Washington Ranking Method \(WARM\) Scoring Manual](#).⁵

- ☐ The site has been ranked a 3, 4, or 5, based on a WARM Site Hazard Assessment.
- ☐ The site has been ranked a 1 or 2, based on a WARM Site Hazard Assessment but does not include complete surface water or sediment contamination pathways.

If you checked either box, move to [Part 5](#).

If you did not check either box (site has not been ranked), move to [Part 4.B](#).

⁵

<https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>[https://fortress.wa.gov/ecy/publication s/SummaryPages/90014.html](https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html)

4.B. Funding and site type factors

The following inclusionary factors represent applicable factors that may apply, regardless of a site's WARM ranking.

1. Funding factors – the site is:

- ☐ covered by PLIA insurance
- ☐ a recipient of a PLIA grant or loan.

2. Site type factor

- ☐ The site involves a release from non-heating-oil petroleum storage tank system(s) and does not include surface water or sediment contamination pathways.

If you checked any of these boxes, move to [Part 5](#).

If you did **not** check any of these boxes, **STOP**. Apply for Ecology's VCP.

Part 5 – Exclusionary factors

Ecology and PLIA have jointly developed exclusionary factors for non-heating-oil petroleum release tank sites. If a non-heating-oil petroleum release tank site meets any of the exclusionary factors in [Part 5](#), apply for Ecology's VCP. Your project may not be eligible for PLIA's PTAP, unless the conditions stated in [Part 5.B](#) are met.

5.A. Location, legal, funding, VCP, and site type factors

1. Location factors – the site is within the bounds of or impacting:

- ☐ a U.S. Environmental Protection Agency Superfund site
- ☐ an Ecology Nuclear Waste Program-managed site
- ☐ an Ecology Industrial Section site
- ☐ an Ecology Hazardous Waste Toxics Reduction Program Dangerous Waste site.

2. Legal factors

- ☒ A potentially liable party (PLP) dispute about liability is in progress.
- ☐ Other litigation regarding your site, such as court supervision or agreed order, is in progress.
- ☐ The site is being remediated under an active control between Ecology and the PLP.

3. Funding factors

- ☐ Site remediation is funded, with Ecology as the sole or leading funding agency.
- ☐ The applicant is a local government planning to apply for an Independent Remedial Action Grant from Ecology. For information about the grant program, including cultural resource consultation requirements, visit our [Independent remedial action grants webpage](#)⁶.

⁶ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants>

- ☐ Other litigation regarding your site, such as court supervision or agreed order, is in progress.
- ☐ The site is being remediated under an active control between Ecology and the PLP.

4. Site type factors

- ☐ The site has known impacts to surface water or sediment.
- ☐ The site consists of comingled non-petroleum and non-incidental contaminants not related to the operations of the site (including contaminant migration from off site).

If you checked any of these boxes, move to [Part 5.B](#).

If you did **not** check any of these boxes, **STOP**. Visit [PLIA's website](#) to apply for PTAP.

5.B. Site characterization exemption

Ecology and PLIA may jointly override other exclusionary factors, based on the results of site characterization, in accordance with MTCA.

- ☐ Exclusionary factors identified in [Part 5.A](#) have been overridden by a joint decision between Ecology and PLIA, based on the results of a site characterization, in accordance with MTCA. **If applicable, include supporting documentation.**

If you checked this box, **STOP**. Visit [PLIA's website](#) to apply for PTAP.

If you did not check this box, **STOP**. Apply for Ecology's VCP. This determination does not guarantee acceptance into the VCP. Based on site-specific information, we may decide to supervise remedial action at the site under an order or decree.

Part 6 – Check that box

After completing all the required parts of this form, go back to the top of the form, and **check** the appropriate eligibility box in [Part 1.B](#).

Accommodation Requests

If you need this publication in an alternative format, please call the Toxics Cleanup Program at (360) 407-7170 or visit our [Toxics Cleanup Program webpage](#).⁷ Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

⁷ <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>