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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 21, 2021

Susan Penoyar
Sound Transit
401 South Jackson Street
Seattle, WA 98104
(susan.penoyar@soundtransit.org)

**Re: Environmental Covenant – Ecology Approval for Certain Future Construction
Activities at King County parcel 2423200050**

Dear Susan Penoyar:

Washington Department of Ecology (Ecology) has received Sound Transit's *Selection of Preferred Alternative* letter, date July 13, 2021 (*July 2021 Letter*), for the Y Pay Mor Drycleaner facility (Site). In this letter you summarized the activities completed to date, and requested Ecology to approve certain future construction activities at King County parcel 2423200050 (Property) currently prohibited under a restrictive covenant.

Two restrictive covenants are in place for the Property: a 1998 restrictive covenant (King County Recording No. 199808101434), and a 1995 restrictive covenant (King County Recording No. 199510121424). The 1998 restrictive covenant includes the following restrictions:

- The owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
- Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
- Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Under the scope of the above restrictions, Ecology approved certain activities in three letters issued in 2020: (1) *Approval for Supplemental Characterization* letter, dated April 8, 2020; (2) *Response to Additional Information* letter, dated April 29, 2020; and (3) *Environmental Covenant – Ecology Approval for Activities at King County parcel 2423200050*, dated June 26, 2020 (*June 2020 Letter*). The approved activities are listed below:

- Ecology approved construction activities on the central and western portions of the Property, illustrated as “Approved Work Area” in **Enclosure A**.

The approved construction activities include (1) existing above-ground structures demolition; (2) existing pavement removal; (3) existing utilities disconnection; (4) limited uncontaminated soil excavation; and (5) new underground and above-ground structures and utilities construction.

As documented in your *July 2021 Letter*, part of the underground utilities appear to remain on Property, and the construction of new structures and utilities is not completed. Other activities have been completed.

- Ecology approved investigation and construction activities on the eastern portion of the Property, illustrated as “Space A-6 area” in **Enclosure A**.

The approved activities include (1) existing above-ground structures demolition; (2) existing utilities disconnection; (3) supplemental subsurface investigation; and (4) interim action including halogenated volatile organic compounds (HVOC)-contaminated soil excavation.

As documented in your *July 2021 Letter*, part of the underground utilities remain on Property. Other activities have been completed.

- Deposition of approximately 15 additional feet of clean fill across the Property. This activity has been completed by placement of approximately 10 to 12 feet of clean fill to raise the surface grade to approximately 434 feet above mean sea level (amsl).

Ecology’s *June 2020 Letter* reinstated that, “***future additional activities on the Property that may result in the contaminants release or exposure to the environment, or create a new exposure pathway, must be approved in advance by Ecology.***”

On a conference call on April 1, 2020, Sound Transit communicated with Ecology that three shafts were installed on the eastern portion of the Property, up- to cross-gradient of the known HVOC-contaminated groundwater plume (**Enclosure B**). Your *July 2021 Letter* also documented that no dewatering occurred, and HVOCs were not detected in the soil removed during drilling. Ecology determined that the shaft installation did not appear to “result in the contaminants release or exposure to the environment, or create a new exposure pathway”. Ecology verbally approved the shaft installation on April 1, 2020, but requested that Sound Transit provide a summary of future construction activities to Ecology and request Ecology’s approval under the restrictive covenant.

Ecology appreciated the submission of the *July 2021 Letter*, which summarized the future construction activities from August 2021 through December 2024. The locations of the proposed construction activities are depicted on **Enclosure B**.

A majority of the activities will be conducted above the groundwater table that is estimated to be present between elevations of 417 and 419 feet amsl, and residual HVOC-contaminated soil that is estimated to be present below the elevation of 416 feet amsl. These activities include: (1) surface regrading for installation of parking lot, station, sidewalk, and bus loop areas; (2) installation of a garbage enclosure foundation; (3) installation of underground utilities, and foundations for bus shelters and lights; (4) removal of a shallow sanitary sewer line on the City of Federal Way right-of-

way (ROW). These activities are not likely to cause contaminants release or exposure to the environment, or create a new exposure pathway. **Ecology approves the aforementioned activities. If groundwater or HVOC-contaminated soil is discovered or exposed during these activities, Ecology requires immediate communication with Ecology, and to follow the soil and groundwater management plan described below.**

Some activities, including removing a deep sanitary sewer line on the Sound Transit ROW, will extend to below the groundwater table. Your *July 2021 Letter* provided a plan describing the soil and groundwater management when conducting such an activity. **Ecology approves the deep sanitary sewer line removal, if necessary, but requires following the soil and groundwater management plan detailed in your *July 2021 Letter* to mitigate the potential contaminants release or exposure to the environment.**

Ecology provides this approval as the Holder of the restrictive covenant for this Property. This approval does not address whether or not the cleanup conducted to date will meet the requirements of cleanup under the Model Toxics Control Act (MTCA). This Site is currently enrolled in Ecology's Voluntary Cleanup Program (VCP). The supplemental subsurface investigation and interim action conducted in 2020 were documented in an *Interim Action Report*, dated February 19, 2021. Your *July 2021 Letter* also indicated that a Remedial Investigation Work Plan will be submitted to Ecology in July 2021. Ecology will issue a VCP opinion letter regarding your cleanup, including the interim action and remedial investigation work plan.

Please note that while Ecology has approved the above construction work, the 1998 and 1995 restrictive covenants are still in place and will remain in place until they are modified or terminated pursuant to WAC 173-340-440. Please request further Ecology approval(s) as needed for future activities on the Property.

If you have any questions about this letter, please contact me by phone at 425-649-7109 or by email at jing.song@ecy.wa.gov.

Sincerely,



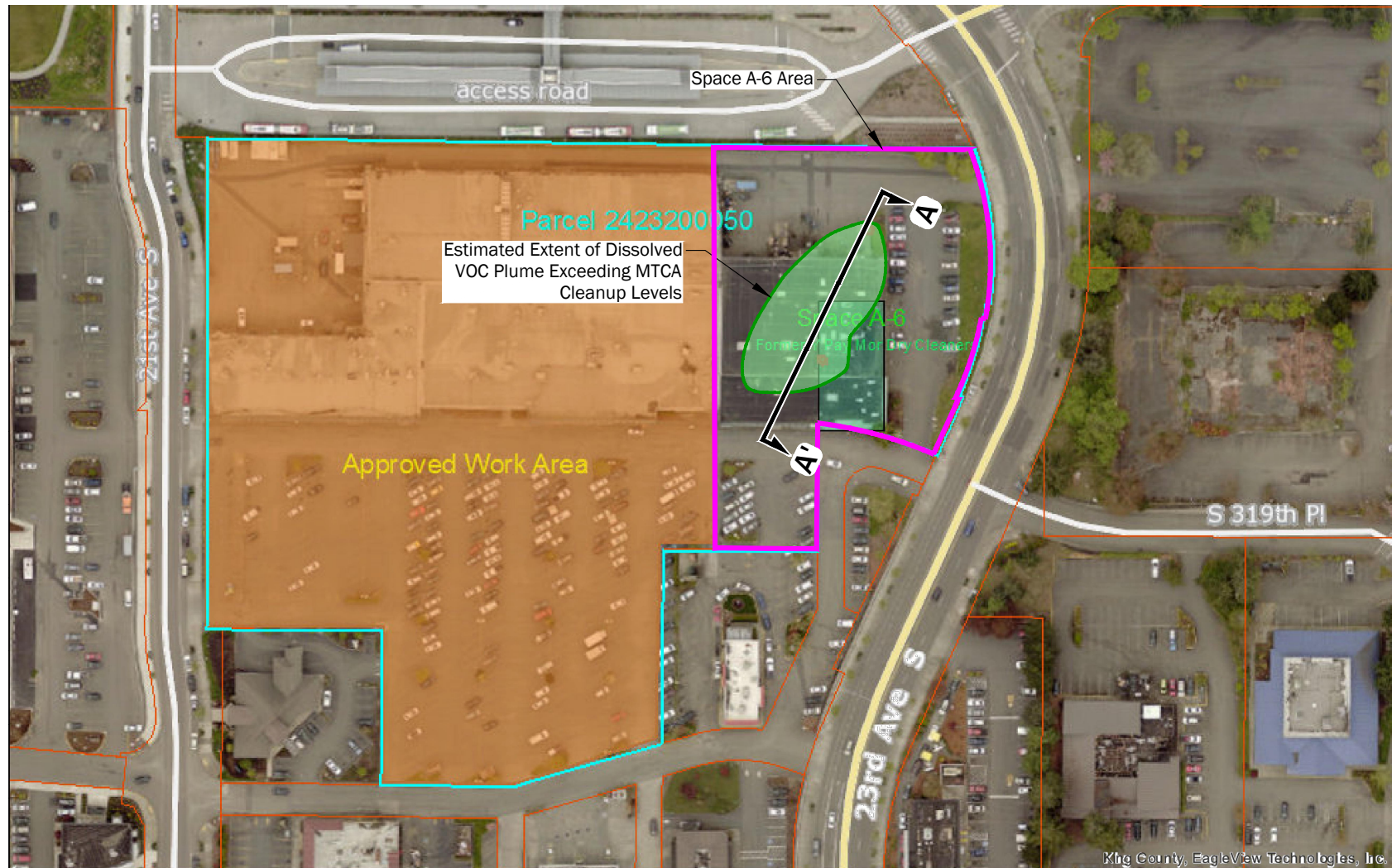
Jing Song
Site Manager
Toxics Cleanup Program, NWRO

Enclosures (2): A – Property Map
 B – Proposed Construction Activities Locations

cc: Tricia DeOme, GeoEngineers, Inc. (tdeome@geoengineers.com)
 Dana Carlisle, GeoEngineers, Inc. (dcarlisle@geoengineers.com)
 Ivy Anderson, Assistant Attorney General, (ivy.anderson@atg.wa.gov)
 Louise Bardy, Ecology, VCP Program, (louise.bardy@ecy.wa.gov)
 Ecology Periodic Review Site File

Enclosure A Property Map

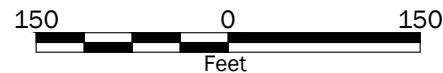
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Notes:

1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

Data Source: Base map was part of April 29, 2020 Ecology Letter



Restrictive Covenant Areas

Y Pay Mor Dry Cleaners Site
Sound Transit Federal Way Link Extension
Federal Way, Washington



Figure 1

Enclosure B Proposed Construction Activities Locations

