



1101 South Fawcett Avenue, Suite 200  
Tacoma, Washington 98402  
253.383.4940

May 17, 2022

Voluntary Cleanup Program Coordinator  
Washington State Department of Ecology  
Toxics Cleanup Program  
PO Box 330316  
Shoreline, Washington 98133-9716

Subject: Revised VCP Application Cover Letter and  
Request for Opinion on Completed Cleanup  
Southgate Oil Site  
VCP No: 3327  
Facility/Site No. 84946863  
Cleanup Site ID 6762  
Source Parcel: 23428 Pacific Highway South, Kent, Washington  
King County Parcel 2500600480  
Sound Transit Federal Way Link Extension Parcel FL209

GeoEngineers File No. 4082-039-03

On behalf of the Central Puget Sound Regional Transit Authority (Sound Transit) GeoEngineers is submitting the attached VCP application for the Southgate Oil site, 23428 Pacific Highway South, Kent, Washington. Sound Transit is requesting that the Washington State Department of Ecology (Ecology) review the information submitted and provide an opinion and No Further Action (NFA) determination for the completed site cleanup. This letter supersedes the November 9, 2021 letter previously submitted with the VCP application and request for opinion for Southgate Oil.

This letter presents a summary of the remedial investigations and Model Toxics Control Act (MTCA) independent cleanup actions completed and is presented to support VCP review of the available site assessment and cleanup reports.

Sound Transit is in the process of purchasing the Southgate Oil source Property, King County Parcel 2500600480, identified by Sound Transit as Federal Way Link Extension (FWLE) Parcel FL209. Sound Transit has control of the Property through a Possession and Use Agreement with the current Property owner; Sound Transit has occupied the Property since 2019.

The Sound Transit environmental contact information is as follows:

- Name: Susan Penoyar, Environmental Manager, Sound Transit
- Mailing address: 401 S. Jackson Street, Seattle, Washington 98104-2826



- Email address: susan.penoyar@soundtransit.org
- Phone number: 206-370-5531

## PROPERTY AND SITE DESCRIPTION

The Property is located between Pacific Highway South and 30<sup>th</sup> Avenue South, approximately 500 feet south of Kent Des Moines Road (Figure 1). The property address associated with Southgate Oil, former occupant, was 23428 Pacific Highway South, Kent, Washington. The Property comprises 0.64 acre.

Based on findings from previous remedial investigation and cleanup activities, releases associated with Southgate Oil also affected a small portion of the adjoining property to the north at 23418 Pacific Highway South, Kent, Washington, King County Parcel 2500600465 as well as a small portion of the adjoining property to the south at 23427 30<sup>th</sup> Avenue South, Kent, Washington, King County Parcel 2500600481. This request for NFA pertains to the Southgate Oil Site and the portions of King County Parcels 2500600465 and 2500600481 affected by the release at Southgate Oil.

## AREA AND PROPERTY DESCRIPTION

The Property is located within a mixed commercial and light industrial used area in Kent. The greater vicinity of the Property is occupied primarily by commercial developments. The Property is bounded:

- To the north by a multi-tenant commercial building owned by Muscatel Midway (Dollar Tree and retail space for lease) (VCP Number NW 3309). A strip mall with retail uses is located further north.
- To the south by a vacant lot (former Allison Marine boat repair) obtained and occupied by Sound Transit for light rail facilities and associated construction.
- To the east by 30<sup>th</sup> Avenue South. Sound Transit is constructing a parking garage on the property located further east across 30<sup>th</sup> Avenue South.
- To the west by Pacific Highway South (State Route 99) and retail shops. Further west are multifamily residential developments.

Relevant adjoining property historical uses are discussed below.

## PROPERTY CURRENT USE AND HISTORY

The Property is currently owned by Juan Castaneda and Adriana Rojas (Castaneda). Sound Transit obtained a Possession and Use Agreement in 2019 to occupy the property for construction and development associated with the FWLE link light rail. Light rail structures recently constructed on the eastern portion of the Property include the elevated light rail guideway supported by columns that are situated on adjoining properties. A joint utility trench (JUT) was constructed below the ground surface and parallel to the eastern edge of the Property. As of May 2022, the Property is being used by Sound Transit contractors for construction equipment and materials storage; underground utility improvements are underway and road



improvements are planned to be constructed on the remainder of the FL209 property west of the guideway within the next two years.

The earliest identified development on the Property was a single-family residence with oil heat and a septic tank, constructed in 1931 and demolished by 2002. The available historic resources do not specify if heating oil was stored in an underground storage tank (UST) or aboveground storage tank (AST). An automotive repair shop constructed in 1949, and an office building constructed in 1977, were demolished in 2019 prior to Sound Transit construction activities.

The Southgate Oil fuel distribution facility operated on the property from the 1940s until approximately 1999. The facility included at least 11 USTs, multiple fuel dispensers, and an auto repair garage.

## KNOWN OR POTENTIAL SOURCES OF CONTAMINATION

### Underground Storage Tanks

Nine USTs, ranging from 275 to 10,000 gallons and containing gasoline, diesel fuel and heating oil, were removed from the property in October and November 2000. Fuel dispensers and fuel piping were also removed at that time. Two heating oil USTs (20,000 and 25,000 gallons), and associated fuel dispensers, were removed from the eastern portion of the property in February 2002.

### Auto Repair

Auto repair activities were performed on the Property reportedly for decades; the original auto repair building was connected to a septic system. An unlined below-grade pit constructed of concrete cinder blocks that was approximately 4 feet wide and 15 to 20 feet in length was present inside the auto repair garage. A small steel drum apparently containing water was removed from the pit during demolition of the structure. The pit is suspected to have functioned in the past as a sump.

Limited areas of oil-stained concrete were observed in the auto repair garage and outside (east) of the garage bay door.

## PHYSIOGRAPHIC SETTING

The land surface on the Property is generally flat at an elevation of approximately 390 feet above mean sea level; across the Property the ground surface slopes slightly downward to the north. A retaining wall is constructed along the northern portion of the Property and the northern adjacent parcel is approximately 3 to 5 feet lower in elevation. The land surface in the vicinity of the site slopes gently to the north-northwest towards Massey Creek.

## SURFACE/STORM WATER SYSTEM

The closest surface water body is Massey Creek located approximately 850 feet northwest of the site. The Green River is located approximately 1 mile east of the site, and Puget Sound is located approximately 1.4 miles west of the site. Previous catch basins on the Property were removed as part of construction

activities; new catch basins will be installed at a later date. Catch basins in 30<sup>th</sup> Avenue to the east and Pacific Highway 99 to the west are connected to the municipal storm water collection system.

## ECOLOGICAL SETTING

The area surrounding the Property is zoned for “Midway Transit Community 1” (MTC-1) or “Midway Transit Community 2” (MTC-2). Land surfaces on the Property and adjacent properties are primarily covered by buildings or light rail structures, with asphalt or concrete pavement and small landscaped areas.

## GEOLOGY

Glaciation events in the Puget Lowland left thick deposits of glacially-derived and reworked sediments across the region. The upland plateau in the Project area was formed during the latest glacial epoch called the Vashon stade of the continental Fraser glaciation. The advance and retreat of the Vashon-age Puget glacial lobe, approximately 14,000 to 10,000 years ago, deposited most of the near-surface materials and sculpted most of the present landforms within the Puget Lowland. After the latest glaciation, Holocene period sediments were deposited over the glacial soils. These deposits typically consist of alluvial soils commonly found in river valleys as well as colluvial deposits (landslide materials) on slopes. Peat and other organic soils occur in numerous depressional areas at the surface. Some of these Holocene period sediments have been modified by human activity, including placement of undocumented landfill material in the Midway landfill and placement of roadway embankment fill for construction of Interstate-5 (I-5).

Environmental investigations and remedial actions performed at the Property encountered 8 to 10 feet of sandy clay with gravel, underlain by dense glacial till deposits to the maximum depths explored or 60 feet below ground surface (bgs).

## GROUNDWATER

Groundwater has not been encountered in explorations and excavations completed on the Property to the maximum remedial excavation depth of 30 feet bgs. Additionally, two drilled shafts completed to 60 feet bgs directly southeast of FL209 in connection with columns for the FWLE guideway did not encounter continuous groundwater and only reported approximately one foot of water at 60 feet bgs in the base of one of the two drilled shafts.

Off-site nearby explorations (see Figure 2) include a geotechnical exploration completed in 2016 approximately 30 feet east of FL209 (identified as FWLE-D02) where evidence of groundwater was observed at 78 feet bgs. Another geotechnical exploration and piezometer completed in 2016 approximately 300 feet northeast of FL209 (identified as FWLE-D01P) encountered groundwater at 58 feet bgs. Based on this available information about groundwater depths, we infer that vertical separation between the contaminated soil (now removed) and groundwater at FL209 could be in the range of 28 feet or more.

Shallow, discontinuous perched groundwater was observed beneath the Shell Oil site located about 100 feet west of the western portion of the FL209 parcel. However, no evidence of shallow groundwater



was observed in a remedial excavation completed to a depth of 20 feet bgs in the west-central portion of FL209, nor to 30 feet bgs in the east-central portion of FL209. Within the Property boundary the only evidence of groundwater, and only nominally, was observed at 60 feet bgs in the eastern portion of FL209.

## **WATER SUPPLY**

Drinking water for the area is supplied by the Highline Water District. The site is located outside of the 10-year time of travel wellhead protection zone of all water supply wells<sup>1</sup>.

## **RELEASE AND EXTENT OF SOIL CONTAMINATION**

Eleven USTs were removed from the Property from 2000 to 2002. Concentrations of diesel were greater than MTCA Method A cleanup level in excavation soil samples obtained after removing the USTs. Gasoline and benzene, ethylbenzene, toluene, and xylenes (BETX) were either not detected or detected at concentrations less than MTCA Method A cleanup levels in soil samples obtained from the UST excavations. Groundwater was not encountered within the 2000 and 2002 UST excavations.

Reports present in Ecology files indicate that approximately 550 cubic yards of contaminated soil were removed from UST-related remedial excavations in 2000, and 748 tons of contaminated soil were removed from UST-related remedial excavations in 2002. Soil sampling of the base and sidewalls of the 2002 excavation indicated that soil with diesel-range hydrocarbons remained in the north sidewall of the excavation, to a depth of 10 feet bgs at the northern property line (with Muscatel). The zone of contaminated soil left in place as of 2002 was reported to be approximately 25 feet long and 10 feet deep. A 10-millimeter plastic liner was reportedly placed in the excavation vertically along the northern excavation limits, extending approximately to 14 feet bgs.

Ecology issued an NFA to Southgate Oil on February 10, 2003 that was subsequently rescinded. On June 9, 2006 Ecology issued a Further Action Required determination letter for Southgate Oil indicating that further action is required because of potential off-property migration of diesel north of the Property (onto the parcel referred to above as Muscatel Midway, current VCP Number NW 3309).

### **2017 FL209/Southgate Oil Phase II ESA**

GeoEngineers performed Phase II ESA activities at FL209/Southgate Oil in 2017<sup>2</sup> including a limited geophysical survey and several soil explorations. The geophysical survey did not identify suspect USTs remaining on the subject property; however, much of the ground surface was not accessible due to the presence of tires, wheels, old cars, car and truck parts, car-related debris, two DOT shipping containers and other items.

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<sup>1</sup> Department of Health, Source Water Assessment Program (SWAP) Mapping Application; SWAP Map.

<sup>2</sup> GeoEngineers Inc. 2018. AE 0044-12 3.7.N, *Phase II Environmental Site Assessment Report, Sound Transit- Federal Way Link Extension Parcel FL209, Former Southgate Oil, 23428 Pacific Highway South, Kent, Washington*. September 21, 2018. Prepared for Sound Transit.



Auto repair was performed on the Property for decades and the original auto repair building was originally on a septic system, although a septic tank was not found during Phase II ESA or subsequent remedial excavation.

A below-grade pit (described previously) was noted inside the auto repair garage. Stained concrete was observed in the auto repair garage and outside (east) of the garage bay door. Shallow soil at a depth of 0.5 to 1.5 feet bgs in boring FL209-B4 completed east of the garage bay door contained cadmium, lead, petroleum hydrocarbons, naphthalenes and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) at concentrations greater than MTCA cleanup levels.

Numerous Phase II ESA soil samples obtained from locations representative of the Southgate Oil backfilled UST excavations, UST excavation limits, and/or from UST excavation backfill soil had detectable diesel- and oil-range hydrocarbons and naphthalenes, in many cases at concentrations greater than MTCA Method A cleanup levels. These data indicate that the prior UST removals and remedial excavations in 2000 and 2002 did not completely remove petroleum-contaminated soil exceeding MTCA cleanup levels.

Prior reports noted that during UST removal and remedial excavation sampling in 2002, concentrations of petroleum hydrocarbons exceeding MTCA Method A cleanup levels remained in soil to a depth of at least 14 feet bgs along the northern Property boundary. The deepest Phase II ESA soil sample that exceeded MTCA cleanup levels for petroleum was FL209-B8 at 21 feet bgs; this boring was completed through the backfilled 2002 remedial excavation.

Residual petroleum-related constituents at concentrations greater than MTCA cleanup levels were identified in Phase II ESA soil samples from borings FL209-B3, FL209-B4, FL209-B5 and FL209-B7 which were located at the edges of the previous UST and remedial excavations and outside the lateral limits of the previous remedial excavations; petroleum-contaminated soil in these locations extended to maximum depths of 14 feet bgs.

Mercury was detected in samples from borings FL209-B7 and FL209-B8 at depths of 5.5 to 6.5 feet bgs at concentrations of 2.5 milligrams per kilogram (mg/kg) and 2.8 mg/kg, greater than the MTCA cleanup level of 2 mg/kg. These samples were collected from soil representative of remedial excavation backfill. Of the 20 samples tested for mercury, mercury was detected in five of the samples, including the two listed above, and the detected concentrations in the five samples were at least four times higher than the laboratory detection limits. The source of mercury in these five samples was unknown since mercury is not a typical contaminant for petroleum UST sites. A potential source for mercury in soil may be related to uncontrolled fill placed in the 2000/2002 UST remedial excavations as all the samples with mercury detected were from remedial excavation backfill (FL209-B5-6-6.5, FL209-B6-10-11, FL209-B7-5.5-6.5, FL209-B7-8.0-9.0 and FL209-B8-6-6.5).

The chlorinated volatile organic compound (VOC) tetrachloroethylene (PCE) was detected in one soil sample (FL209-B12-3.5-4.0) at a concentration of 0.0026 mg/kg, less than the MTCA cleanup level of 0.05 mg/kg and approximately twice the laboratory detection limit. FL209-B12 is located in the eastern portion of the Property, near a former fueling island. The PCE detected in this sample appears to be related to an unknown localized on-site source, as opposed to the former off-site dry cleaner (previously located north of the Property on the Muscatel parcel), based on the lack of chlorinated compounds in 18 other soil samples obtained from the remaining eleven Phase II ESA borings on the subject property.



Near-surface soil samples from eight borings were tested for arsenic and lead. Arsenic and lead were not detected in the samples tested, suggesting that Tacoma Smelter Plume (TSP) impacts have not affected near surface soil on the Property.

### 2018 FL207/Muscatel Property Phase II ESA

GeoEngineers performed Phase II ESA activities at FL207/Muscatel Property in 2018<sup>3</sup>. The Phase II ESA activities were limited to the Sound Transit fee takes, guideway easement and temporary construction easement (TCE) areas on the FL207 property.

Prior investigation at FL207 by EcoCon, Inc. (ECI)<sup>4</sup> identified gasoline- and diesel-range hydrocarbons in soil at depths of 8 and 10 feet bgs in one boring adjacent to the southern property line (ECI-B13). The diesel-range hydrocarbon concentration at 8 feet bgs was 8,800 mg/kg, greater than the MTCA cleanup level of 2,000 mg/kg. The diesel-range hydrocarbon concentration at 10 feet bgs was 1,100 mg/kg, less than the MTCA cleanup level. The gasoline-range hydrocarbon detections were less than the MTCA cleanup level and were noted by the laboratory to be carryover from the diesel-range. The contamination in ECI-B13 was attributed to contaminant migration from FL209/Southgate Oil.

GeoEngineers completed seven soil explorations (FL207-B16 through FL207-B22) to depths up to 31 feet bgs along the FL207 southern property line to assess potential contaminant migration from FL209/Southgate Oil onto the FL207/Muscatel Property. In two of the seven explorations (FL207-B16 and FL207-B18), diesel- or oil-range hydrocarbons were detected at concentrations greater than MTCA cleanup levels in soil at depths of 0.5 to 3.5 feet bgs. In one of the explorations (FL207-B22), benzene was detected at a concentration greater than the MTCA cleanup level in soil at a depth of 2.5 to 3.5 feet bgs. Petroleum hydrocarbons were not detected at concentrations greater than MTCA cleanup levels in soil samples obtained from depths below 3.5 feet bgs. The diesel contamination in ECI-B13 and the shallow areas of contamination in FL207-B16, FL207-B18 and FL207-B22 were subsequently cleaned up by ECI in 2019<sup>5</sup>.

### 2020 FL209/Southgate Oil Soil Characterization and Remediation

O'Neill Services Group (OSG) performed supplemental soil characterization and remediation on the FL209 Property in 2020<sup>6</sup>. OSG's effort included a search for remaining USTs on the Property; no USTs were found. Figures 3, 4 and 5 depict OSG's supplemental sample and remediation excavation locations.

Seventeen test pits were advanced in areas of environmental concern (PH209-1 through PH209-17) to depths ranging between 3 and 15 feet bgs. Twenty-nine soil samples were analyzed for gasoline-, diesel- and oil-range petroleum hydrocarbons (GRPH and DRPH), PAHs, VOCs and metals. The supplemental samples detected diesel- and oil-range hydrocarbons, PAHs and the VOC methylene chloride at

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<sup>3</sup> GeoEngineers Inc. 2018. AE 0044-12 3.7.N, *Phase II Environmental Site Assessment Report, Sound Transit- Federal Way Link Extension Parcel FL207, Former Dry Cleaner and Service Station, 23418 Pacific Highway South, Kent, Washington*. September 21, 2018. Prepared for Sound Transit.

<sup>4</sup> EcoCon Inc. 2017. *Focused Subsurface Investigation Report; 23418 Pacific Highway South, Kent, Washington*, December 18, 2017. Prepared for Muscatel Midway Properties LLC.

<sup>5</sup> ECI Environmental Services. 2019. *Cleanup Action Report, 23418 Pacific Highway South, Kent, Washington 98032*, December 31, 2019. Prepared for Muscatel Midway Properties, LLC.

<sup>6</sup> O'Neill Service Group. 2021. *Soil Characterization and Remediation Report Parcel FL209*. January 26, 2021 (erroneously dated January 26, 2020). Prepared for Kiewit Infrastructure West Co.





concentrations greater than MTCA cleanup levels in samples obtained east of the auto repair shop. Diesel-range hydrocarbons were also detected at concentrations greater than the MTCA cleanup level at varying depths in several other soil samples obtained from test pits PH209-8, PH209-13, PH209-14, and PH209-17. Gasoline-range hydrocarbons were detected in only one of the supplemental characterization soil samples collected from the West Excavation area at a concentration just above the method reporting limit (detected at 5.76 mg/kg with a reporting limit of 5.74 mg/kg). PCE was detected in one sample from East Side Garage at a concentration less than the MTCA Method A cleanup level.

Remediation efforts performed by OSG in 2020 were focused on six areas labeled as the East Excavation, the Central Excavation, the East Side Garage, the West Excavation, Joint Utility Trench Excavation and the FL207 (Muscatel) Parcel Line Remediation. The excavation locations, approximate dimensions, and confirmation soil sample results are as follows:

- East Excavation – Excavation dimensions were approximately 20 by 25 feet and 6 feet deep. Post-excavation confirmation soil samples were analyzed for diesel-range petroleum hydrocarbons (DRPH) and PAHs and sample results were either non-detect or less than MTCA cleanup levels.
- Central Excavation – Excavation dimensions were approximately 63 by 55 feet and ranging from 20 to 30 feet deep. The southernmost extent of the excavation extended slightly onto the southern adjacent Former Alison Marine parcel in order to fully remove soil with petroleum concentrations greater than MTCA cleanup levels. The area of excavation extending onto the south adjacent property (former Alison Marine Parcel) was approximately 35 by 12 feet in plan dimensions and extended to 15 to 20 feet bgs. Post-excavation confirmation soil samples from the Central Excavation were analyzed for DRPH, PAHs and mercury and sample results were either non-detect or less than MTCA cleanup levels.
- East Side Garage – Excavation dimensions were approximately 28 by 16 feet and five feet deep. Post-excavation confirmation soil samples were analyzed for DRPH and GRPH, VOCs (methylene chloride and PCE), PAHs and/or cadmium and lead and all results were either non-detect or less than MTCA cleanup levels.
- West Excavation – Excavation dimensions were approximately 54 by 41 feet and 16 to 20 feet deep. Post-excavation confirmation soil samples were analyzed for DRPH and all results were either non-detect or less than MTCA cleanup levels.
- Joint Utility Trench – Excavation dimensions were approximately 35 by 20 feet and up to 12 feet deep. Post-excavation confirmation soil samples were analyzed for DRPH, GRPH, BETX and all results were either non-detect or less than MTCA cleanup levels.
- FL207 Parcel Line – Excavation dimensions were approximately 20 by 15 feet and up to 16 feet deep. The northern extent of the excavation encountered plastic sheeting left by Muscatel Midway during their 2019 excavation of petroleum-contaminated soil from the north side of the parcel line (Muscatel's excavation is documented under VCP NW 3309). Post-excavation confirmation soil samples were analyzed for DRPH, GRPH and BETX and all results were either non-detect or less than MTCA cleanup levels.
- Overburden soil from the upper depths of the West and Central Excavations, varying from 0 to 10 feet bgs, and previously tested for contaminants during prior assessments, was stockpiled on site for potential reuse. Approximately 1,650 tons of overburden soil was stockpiled, tested for





petroleum hydrocarbons, PAHs, VOCs and metals with results being either non-detect or less than MTCA cleanup levels. The overburden soil was reused as on-site backfill.

### Summary of Southgate Oil Site Remedial Excavation

The following is a summary of remedial excavation quantities by area associated with the Southgate Oil Site (also shown in Figures 3 through 6). Excavations were completed by OSG unless otherwise noted:

- FL209/Southgate Oil East, Central, East Side Garage and West Excavations (King Co. Parcels 2500600480/FL209 and 2500600481/FL210) – 5733.97 tons.
- FL209/Southgate Oil Joint Utility Trench Excavation (King Co. Parcel 2500600480/FL209) – 468.71 tons.
- FL207 Parcel Line Excavation North by ECI (King Co. Parcel 2500600465) – 166 tons.
- FL207 Parcel Line Excavation South (King Co. Parcel 2500600480) – 200.4 tons.

All excavated soils were transported off site for disposal at either the Waste Management Subtitle D landfill in Wenatchee, Washington or the Republic Services Subtitle D landfill in Roosevelt, Washington.

### SUMMARY

The Phase II ESA and supplemental characterization and remediation activities delineated the extent of contaminated soil resulting from historical operations on the Property. Remedial excavations were successful in removing contaminated soil associated with releases from the former Southgate Oil facility including contamination that extended north and south of the Property line.

Groundwater at the Site was not likely affected by releases associated with the Southgate Oil facility. This opinion is based on the following lines of evidence:

- Shallow groundwater was not observed in remedial excavations completed to a depth of 20 feet bgs in the west-central portion of FL209, nor to 30 feet bgs in the east-central portion of FL209.
- The only evidence of groundwater at the FL209 Property, and only nominally, was observed at 60 feet bgs directly southeast of FL209 and groundwater was observed at 58 feet bgs in a geotechnical boring completed off-site and 300 feet east. Based on this information about groundwater depths, we infer that vertical separation between the contaminated soil (now removed) and groundwater at FL209 could be in the range of 28 feet or more.
- Diesel is the primary contaminant of concern (COC) associated with the Southgate Oil Site. Diesel-contaminated soil was related to former USTs (base of deepest UST was 20 feet bgs) and fuel dispensers and migrated vertically to an approximate depth of 30 feet bgs in the fine-grained till material. Diesel tends to be less mobile in till material as compared to gasoline or solvents.

The cleanup actions conducted at the Southgate Oil Site comply with MTCA cleanup standards and meet MTCA requirements for a remedial action, and for an NFA determination. Based on the results of the remedial actions, Sound Transit requests an NFA determination be issued by Ecology for the Southgate Oil Site as described in this letter.



## REFERENCES

- EcoCon Inc. (ECI). 2017. *Focused Subsurface Investigation Report; 23418 Pacific Highway South, Kent, Washington*, December 18, 2017. Prepared for Muscatel Midway Properties LLC.
- ECI Environmental Services. 2019. *Cleanup Action Report, 23418 Pacific Highway South, Kent, Washington 98032*, December 31, 2019. Prepared for Muscatel Midway Properties, LLC.
- ECI Environmental Services. 2020. *Correction to the Cleanup Action Report, 23418 Pacific Highway South, Kent, Washington 98032*, July 10, 2020. Prepared for Muscatel Midway Properties, LLC.
- GeoEngineers Inc. 2017. *AE 0044-12 WP 3.S, Phase I Environmental Site Assessment, FL-209 Draft 2, Tax Parcel 2500600480*, March 2017. Prepared for Sound Transit.
- GeoEngineers, Inc. 2018. *AE 0044-12 WP 3.S, Phase I Environmental Site Assessment, FL207, Draft 3, Tax Parcel 2500600465*, March 2018. Prepared for Sound Transit.
- GeoEngineers, Inc. 2018. *AE 0044-12 3.7.N, 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*, September 21, 2018. Prepared for Sound Transit.
- GeoEngineers Inc. 2018. *AE 0044-12 3.7.N, 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*, September 21, 2018. Prepared for Sound Transit.
- Nowicki & Associates, Inc. 2001. *Progress Site Assessment Southgate Oil Site, 23428 Pac Hwy S, Kent, WA*, May 3, 2001.
- O'Neill Service Group, 2000. *Soil Characterization and Remediation Report, Parcel FL209, Federal Way Link Extension Project, 23428 Pacific Highway South, Kent, Washington*, January 26, 2000. Prepared for Sound Transit.
- Sound Environmental Strategies, Corp., 2002. *Underground Storage Tank Decommissioning and Soil Remediation Project, 23428 Pacific Highway South, Kent, Washington*, February 25, 2002.
- Washington Department of Ecology, 2003. No Further Action determination letter, February 10, 2003 (Rescinded).
- Washington Department of Ecology, 2006. Re: Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site, Southgate Oil, 23428 Pacific Hwy S, Kent, WA, Facility Site No: 84946863, VCP No.: NW0982, June 9, 2006.



## CLOSING

Please contact Marsi Beeson at (503) 603-6661 or Dana Carlisle at (425) 861-6040 if you have questions or require additional information.

Sincerely,  
GeoEngineers, Inc.

*Marsi M. Beeson*

Marsi M. Beeson  
Senior Environmental Scientist



Dana L. Carlisle PE  
Principal

MMB:DLC:ch

cc: Susan Penoyar, Environmental Manager, Sound Transit

### Attachments:

Figure 1. Vicinity Map

Figure 2. Site Plan FL209 (from Phase I Environmental Site Assessment)

Figure 3. Southgate Oil Remediation Map

Figure 4. Southgate Oil Remediation Map West Detail

Figure 5. Southgate Oil Remediation Map East Detail

Figure 6. FL207 ECI Remediation Map

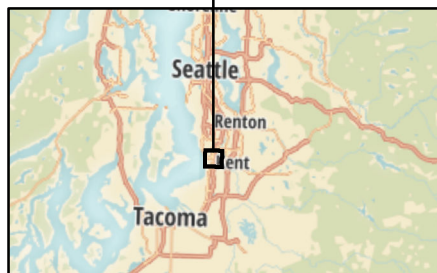
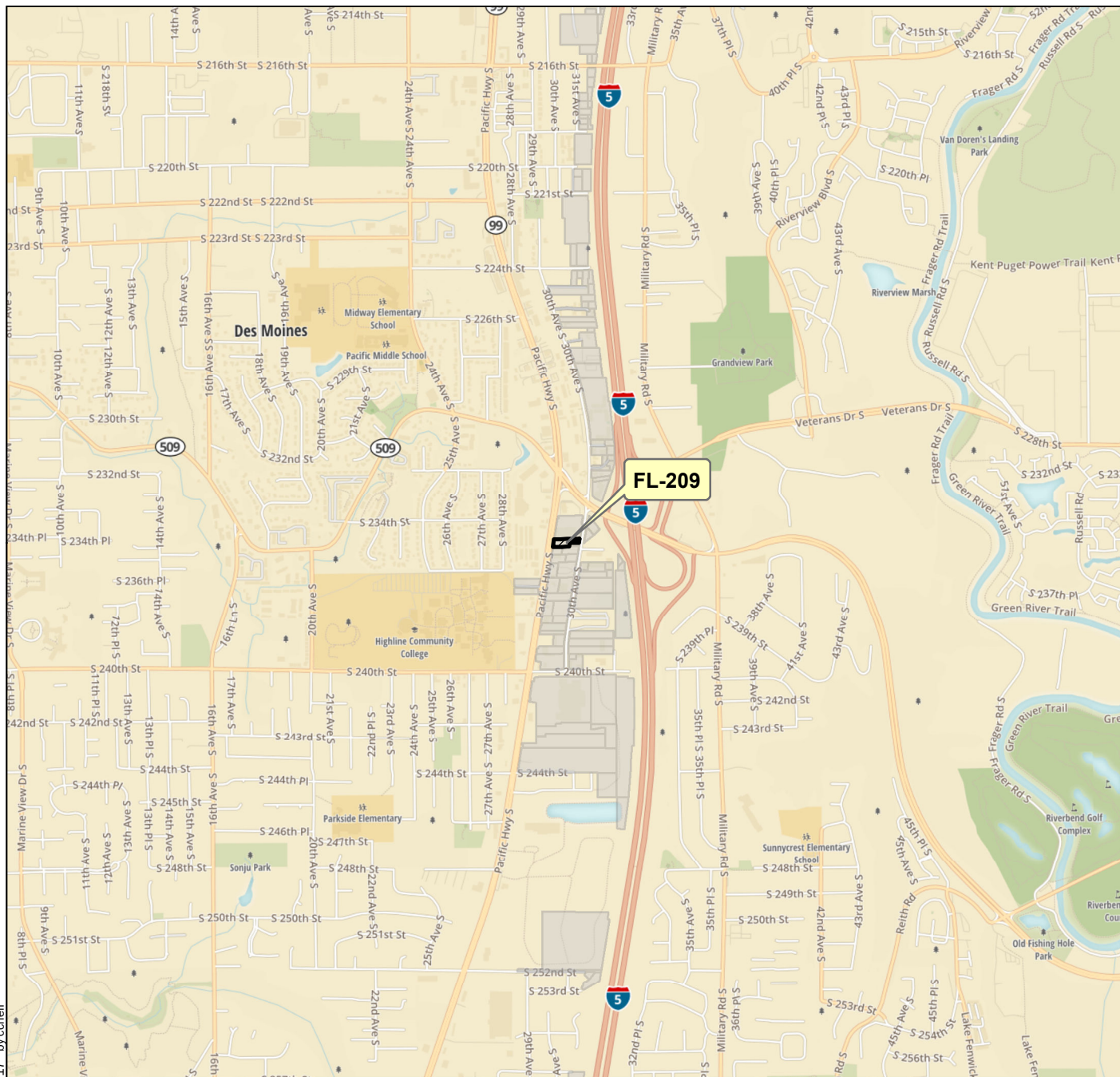
Attachment A. VCP Agency Determination Checklist and VCP Application – Previously submitted to Ecology

Attachment B. Terrestrial Ecological Evaluation – Previously submitted to Ecology



Attachment C. VCP Agreement – Previously submitted to Ecology

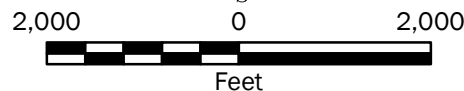
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#### Legend

-  Subject Property
-  Project Parcel



#### Vicinity Map FL-209

Phase II Environmental Site Assessment  
Federal Way Link Extension  
Washington



Figure 1

#### 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: Mapbox Open Street Map, 2017

Projection: NAD 1983 UTM Zone 10N





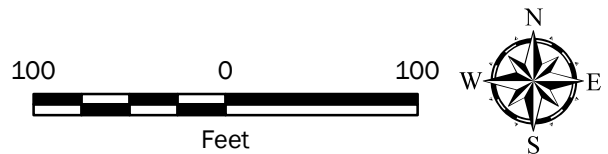
## Legend

	Site Feature		Guideway Easement
	Subject Property		Permanent and Slope Easement
	Parcel		Temporary Construction Easement
	Fee Take		WSDOT Airspace Lease

Parcel #: 2500600480  
Address: 23428 PACIFIC HWY S  
City: Kent  
Owner: CASTANEDA, JUAN & ROJAS  
Zoning: retail store

## 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: Aerial and road names from King County 2015. Projection: NAD 1983 StatePlane Washington North FIPS 4601 Feet



## Site Plan FL-209

Phase I Environmental Site Assessment  
Federal Way Link Extension  
Washington

**GEOENGINEERS**

Figure 2



1/25/2021 10:34 AM  
Z:\Shared\CADD\2021\_Kiewit\_Federal\_Way\Phase II ESA\FWLE\_Proposed Soil Excavation Areas.dwg Layout:FL209-FL210 (F2)

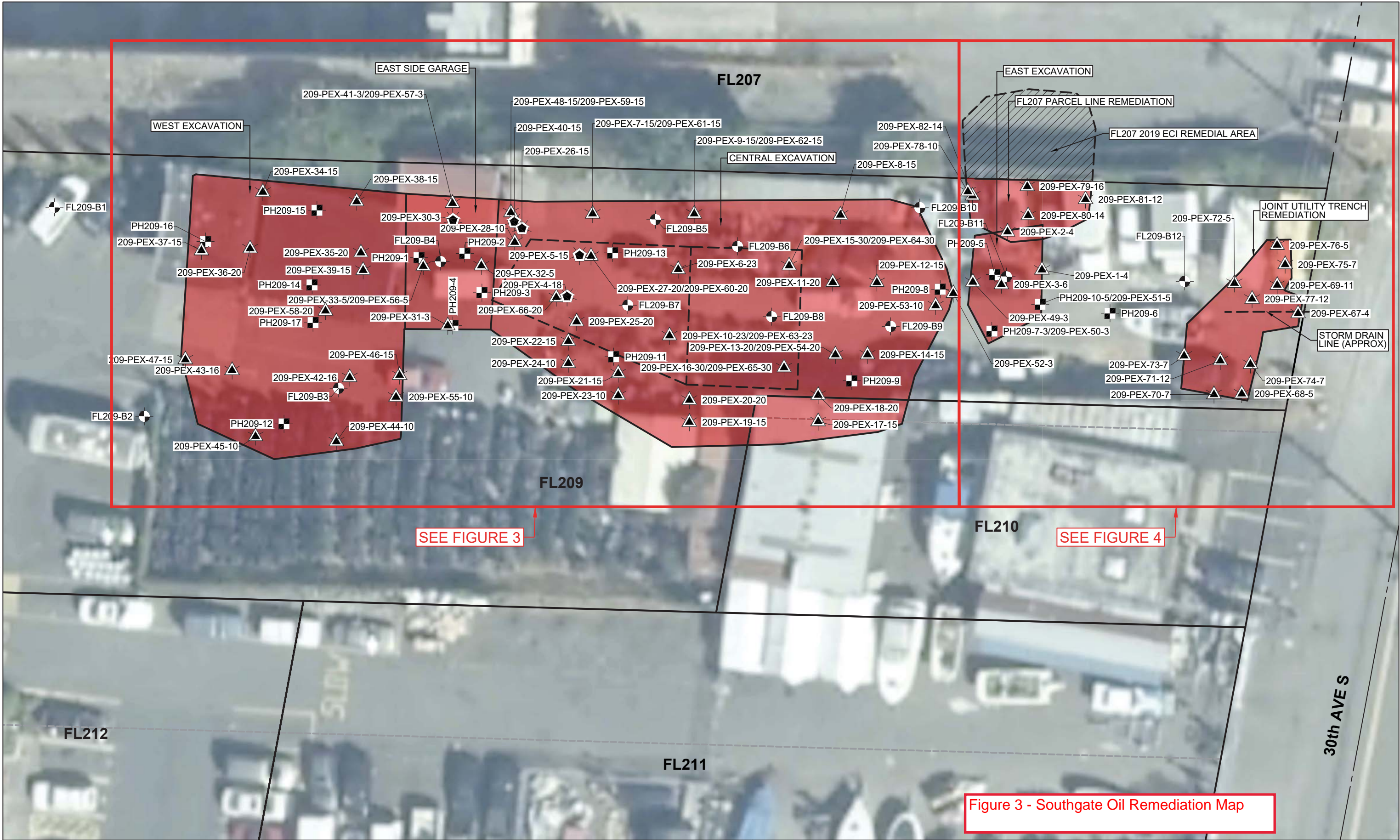


Figure 3 - Southgate Oil Remediation Map



**LEGEND**

- FL209-B1- GEOENGINEERS PHASE II BORING
- PH209-1- SUPPLEMENTAL INVESTIGATION
- 209-PEX-1-4- CONFIRMATION SAMPLE

- 209-PEX-40-15- REMOVED CONFIRMATION SAMPLE
- AREAS OF VARIABLE TOTAL DEPTH OF EXCAVATION (SEE LABELS)
- PARCEL LINES



FEDERAL WAY LINK EXTENSION  
SEATAC AND FEDERAL WAY  
KING COUNTY, WASHINGTON

FL209/FL210 CONTAMINATION

Drawn By:	J. Stewart
Reviewed By:	S. Darst
Approved By:	V. Atkins
Date:	May 2020
Project No.:	2021

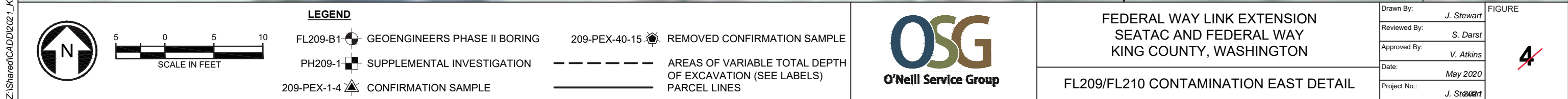
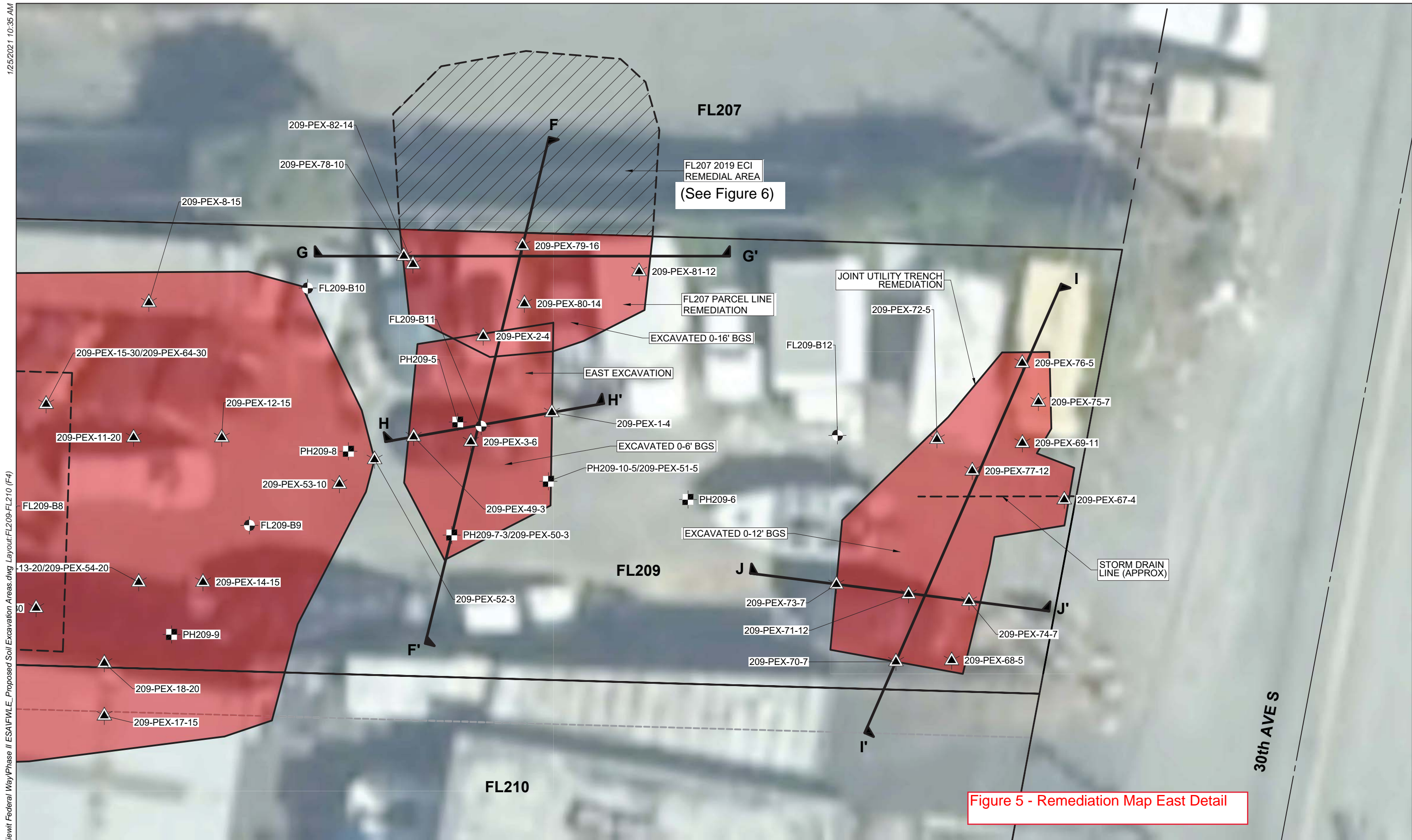
FIGURE

2









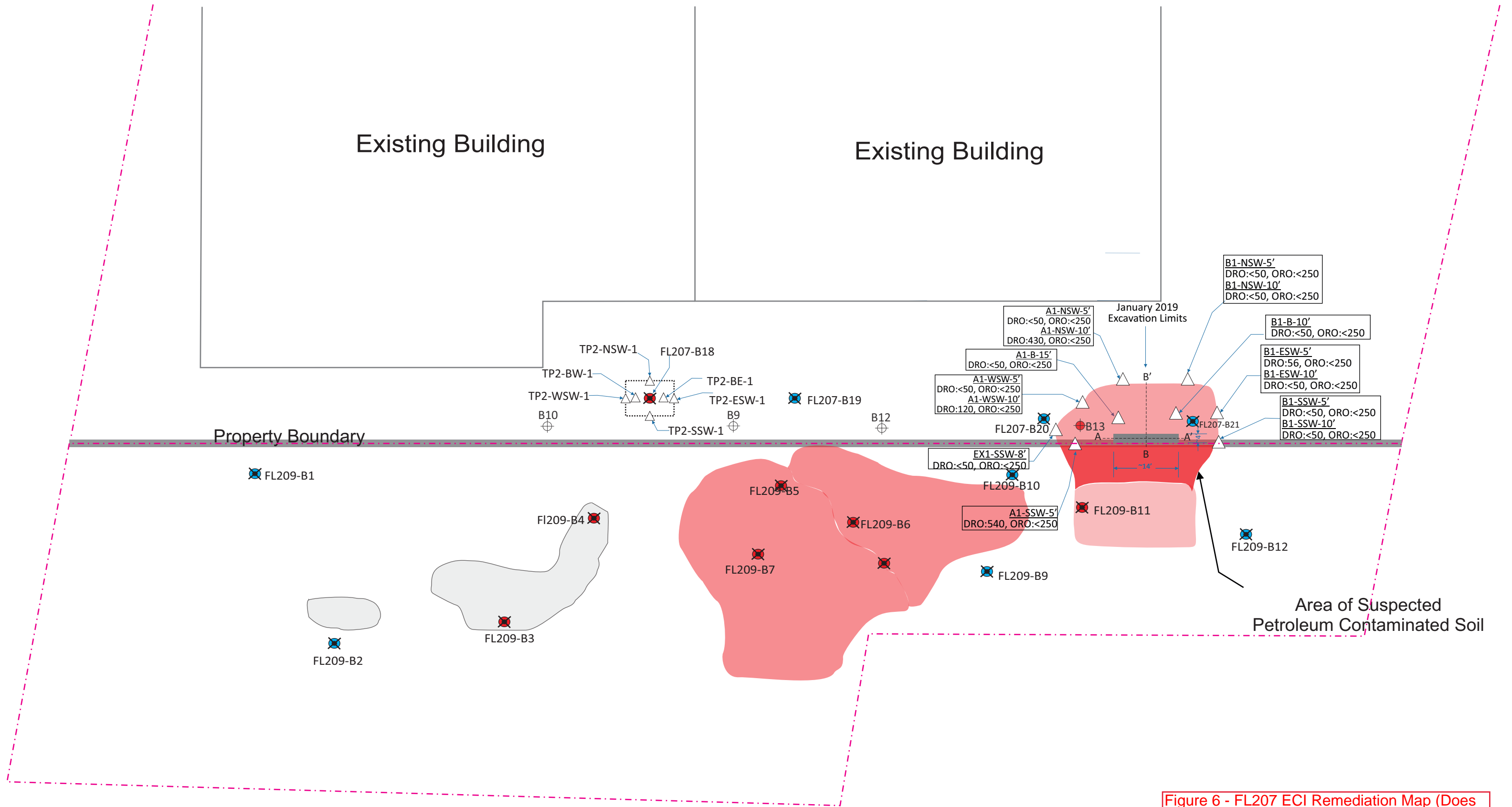


Figure 6 - FL207 ECI Remediation Map (Does not show 2020 remedial excavation on Southgate Oil Property)

**ATTACHMENT A**  
**VCP Agency Determination Checklist and VCP Application**





# 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).

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

- ☐ correct  
☐ incorrect

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 70A.305 RCW, and its implementing regulations chapter 173-340 WAC and RCW 70A.330.040(9).

#### 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](#)<sup>1</sup> and the [Expedited VCP webpage](#),<sup>2</sup> 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](#).<sup>3</sup>
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.

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<sup>1</sup> <https://ecology.wa.gov/VCP>

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

<sup>3</sup> <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](#)<sup>4</sup> when applying for HOTAP or PTAP.

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

Applicant name: Central Puget Sound Transit Authority - Susan Penoyar, Env. Manager

Application submission date: November 9, 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 RCW 70A.330.040(9).

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.

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<sup>4</sup> [plia.wa.gov](http://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](#).<sup>5</sup>

- ☐ 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](#).

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<sup>5</sup>

<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](#)<sup>6</sup>.

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<sup>6</sup> <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](#).<sup>7</sup> Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

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



# 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).<sup>1</sup> 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**

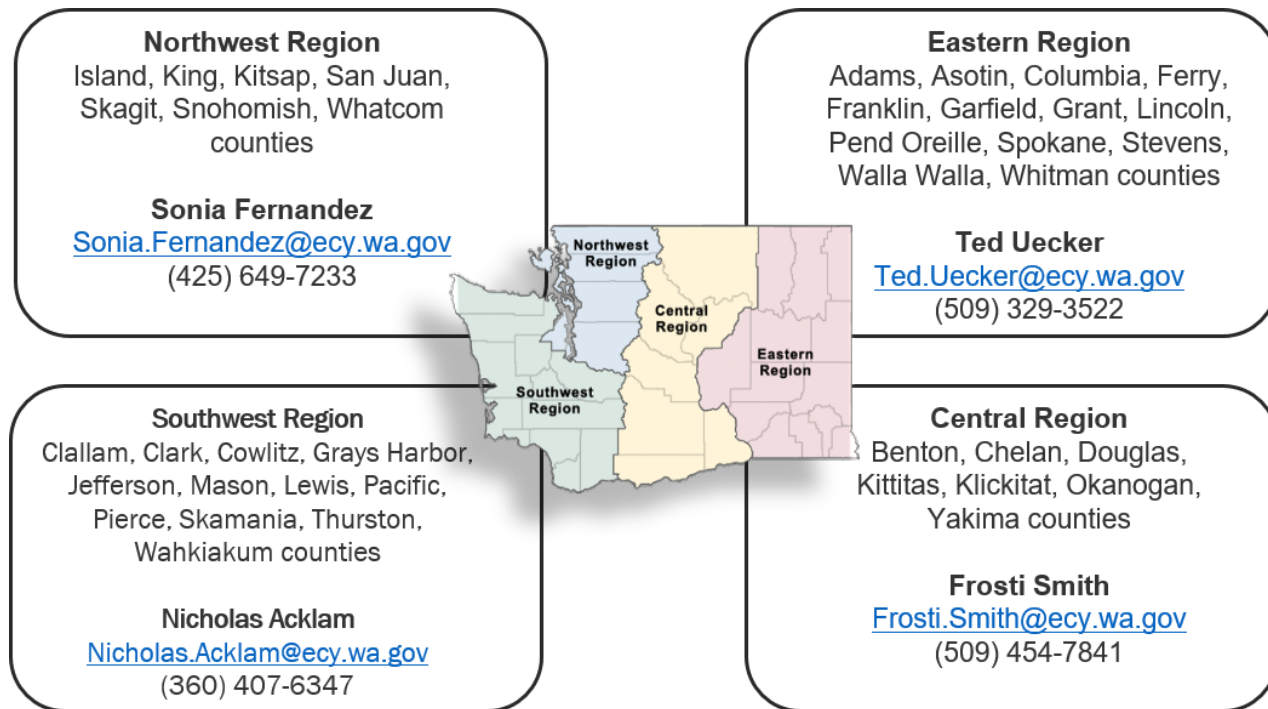
## Apply to the **Standard VCP** process

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,<sup>2</sup> signed by applicant
- [Agency determination checklist](#),<sup>3</sup> 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](#).<sup>4</sup>

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



<sup>1</sup> <https://www.ecy.wa.gov/VCP>

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

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

<sup>4</sup> <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 process webpage](#)<sup>5</sup> 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**
- [Voluntary Cleanup Program Expedited Process agreement](#),<sup>6</sup> 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,<sup>7</sup> which provides automatically generated email as confirmation
- Project schedule.

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

To submit your **Expedited VCP** application to Ecology, upload electronic files to [Box.com](#),<sup>9</sup> after creating your online account:

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](mailto:Sarah.Wollwage@ecy.wa.gov) or (360) 407-7141 for additional information.

### Part 1 – Administration

<b>1.A Applicant.</b> 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: Central Puget Sound Regional Transit Authority	
What type of entity is the applicant?	
<input type="checkbox"/> Person	A <b>person</b> applicant <b>must</b> serve as the project billing contact. Identify this person and their contact information in both <b>Parts 1.B and 1.C</b> .
<input checked="" type="checkbox"/> Organization	An <b>organization</b> applicant <b>must</b> identify the project manager in <b>Part 1.B</b> and the project billing contact in <b>Part 1.C</b> . The organization <b>must</b> employ both persons.

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

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

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

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

<sup>9</sup> <https://account.box.com/login>

## Part 1 – Administration

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

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> property owner         | <input type="checkbox"/> business owner (operator) | <input type="checkbox"/> agent of property owner                 |
| <input type="checkbox"/> past property owner    | <input type="checkbox"/> mortgage holder           | <input type="checkbox"/> private person / organization           |
| <input type="checkbox"/> future property owner  | <input type="checkbox"/> consultant                | <input checked="" type="checkbox"/> public agency / organization |
| <input type="checkbox"/> property lessee        | <input type="checkbox"/> attorney                  |  |
| <input type="checkbox"/> other – specify: _____ |  |  |

Sound Transit has not formally acquired the property but has full control of the property under a possession and use agreement with Castaneda/Rojas.

**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: Susan Penoyar

Title: Environmental Manager

Mailing address: 401 S Jackson Street

City: Seattle

State: WA

Zip: 98104

Phone: 206-370-5531

Email: susan.penoyar@soundtransit.org

Fax:

**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: Susan Penoyar

Title: Environmental Manager

Mailing address: 401 S Jackson Street

City: Seattle

State: WA

Zip: 98104

Phone: 206-370-5531

Email: susan.penoyar@soundtransit.org

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: Tricia DeOme

Title: Senior Project Manager

Organization: GeoEngineers, Inc.

Mailing address: 1101 Fawcett Avenue Suite 200

City: Tacoma

State: WA

Zip: 98402

Phone: 253-383-4490

Email: tdeome@geoengineers.com

Fax:

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

## Part 1 – Administration

<b>1.E Property owner.</b>			
Is the applicant the owner of the property where independent remedial action is being conducted?			
<input type="checkbox"/> yes      If “ <b>yes</b> ”, enter the type of entity and skip to <b>Part 1.F</b> . <input checked="" type="checkbox"/> no      If “ <b>no</b> ”, enter below all of the required information.			
Name: Juan Casteneda and Adriana Rojas		Title:	
Organization: 3618 South 243rd Road			
Mailing address:			
City: Kent		State: WA	Zip: 98032
Phone:	Email:		Fax:
What type of entity is the property owner? Check <b>one</b> .			
<input checked="" type="checkbox"/> private	<input type="checkbox"/> tribal	<input type="checkbox"/> federal	<input type="checkbox"/> state
<input type="checkbox"/> county	<input type="checkbox"/> municipal	<input type="checkbox"/> public school	<input type="checkbox"/> mixed
<input type="checkbox"/> other – specify: _____			
<b>1.F Request for written opinion.</b>			
Are you requesting a written opinion at this time? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
If “ <b>yes</b> ”, list the report(s) or plan(s) below you are requesting a written opinion for. Note: Your reports <b>must</b> meet the requirements on our <a href="https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP">Working with the Voluntary Cleanup Program webpage</a> . <sup>10</sup>			
O'Neill Service Group, Soil Characterization and Remediation Report, Parcel FL209, Federal Way Link Extension Project, 23428 Pacific Highway South, Kent, Washington, January 26, 2020.			
<b>Attach to this application</b> 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.			
<b>1.G Reporting requirements.</b> Comply with the following two reporting requirements when requesting written opinions on planned or completed remedial actions.			
<b>1.G.1 Professional licensing.</b> Documents submitted containing geologic, hydrogeologic, or engineering work <b>must</b> be stamped by of an appropriately licensed professional, as required by Chapters 18.220 and 18.43 RCW.			

<sup>10</sup> <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	yes
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: Southgate Oil

Alternative name: Sound Transit Federal Way Link Extension Parcel FL209

## Part 2 – Site description

<b>2.B Source property.</b> 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? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no If <b>“yes”</b> , refer to the source property when identifying the physical address and geographic position below. If <b>“no”</b> , refer to the property addressed by your cleanup when identifying the physical address and geographic position below.				
<b>2.B.1 Physical address.</b> Enter the property's physical address.				
Street address: 23428 Pacific Highway South				
City: Kent		State: WA		Zip: 98032
<b>2.B.2 Geographic position.</b> 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)		address matching		
Collection source (i.e., map scale)		Google Earth		
Horizontal datum (i.e., base reference for coordinate system)		World Geodetic System 1984 geographic coord system		
Accuracy level (i.e., +/- feet or meters)		Unknown		
Legal descriptions				
TRS data	Township: 22	Range: 4	Section: 16	Quarter-quarter: SE
Tax parcels	2500600480			
<b>2.C Affected properties.</b> 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? <input checked="" type="checkbox"/> yes    If <b>“yes”</b> , 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 <a href="#">2.C</a> in the additional information pages at the end of this form. <input type="checkbox"/> no    If <b>“no”</b> , skip to <b>Part 2.D</b> . <input type="checkbox"/> unknown    If <b>“unknown”</b> , skip to <b>Part 2.D</b> .				
1	Address: 23418 Pacific Highway South, Kent, WA			
	Tax parcels: 2500600465			
2	Address: 23427 30th Avenue South, Kent, WA			
	Tax parcels: 2500600481			
3	Address:			
	Tax parcels:			



## Part 2 – Site description

4	Address:
	Tax parcels:
<b>2.D Public rights-of-way affected by the releases.</b>	
Do any of the releases affect a public right-of-way (e.g., roadways)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown If “yes”, specify below. Otherwise, skip to <b>Part 2.E</b> . If you need to add more information, go to <a href="#">2.D</a> in the additional information pages at the end of this form.	
<b>2.E Extent of the site.</b>	
What is the approximate areal extent of the site? Check <b>only one</b> . <input checked="" type="checkbox"/> < 5,000 square feet <input type="checkbox"/> > 5,000 square feet, < 1 acre <input type="checkbox"/> > 1 acre, < 10 acres <input type="checkbox"/> > 10 acres <input type="checkbox"/> unknown	
<b>2.F Description of site release(s).</b>	
<b>2.F.1 Release source(s).</b>	
What are the source(s) of the release(s) at the site? Check <b>all that apply</b> . <input type="checkbox"/> area-wide lead and arsenic soil contamination (see “Area-wide soil contamination” below) <input type="checkbox"/> non-point source (e.g., contaminated soil used as fill) <input checked="" type="checkbox"/> point source (e.g., leaking tank) <input type="checkbox"/> unknown <input type="checkbox"/> other – specify: _____ Describe below the release source(s). If you need to add more information, go to <a href="#">2.F.1</a> in the additional information pages at the end of this form.	
Eleven USTs ranging in size from 275 to 25,000 gallons and containing petroleum products including gasoline, diesel and heating oil. All USTs have been removed from site. Auto repair performed at small shop on site from 2008 to 2019. All site structures have been demolished.	
Eleven USTs ranging in size from 275 to 25,000 gallons and containing petroleum products including	
<b>2.F.2 Release circumstances.</b> Describe the release circumstances. If you need to add more information, go to <a href="#">2.F.2</a> in the additional information pages at the end of this form.	
Primary source - releases from USTs.	

## Part 2 – Site description

<b>2.F.3 Release discover circumstances.</b> Describe the release discovery circumstances. If you need to add more information, go to <a href="#">2.F.3</a> in the additional information pages at the end of this form.					
Prior site assessment and UST removal activities discovered releases.					
<b>2.F.4 Area-wide soil contamination.</b> Visit the <a href="#">Dirt Alert Program webpage</a> <sup>11</sup> or see the Management Plan for the <a href="#">Tacoma Smelter Plume project</a> <sup>12</sup> 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? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown					
See if the site is within the mapped <a href="#">Tacoma Smelter Plume area</a> .					
Is the site located in a former fruit orchard in operation before 1947? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown					
Is the site affected by area-wide arsenic or lead soil contamination? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown					
<b>2.G Nature and extent of contamination.</b> The following refers to conditions after the release but before cleanup.					
<b>Hazardous substances and affected media.</b> 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	C				
Heavy oil	C				
Gasoline	B				
cPAHs	C				
Naphthalenes	B				
Methylene chloride	C				

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

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

## Part 2 – Site description

PCE	C				
Cadmium	C				
Lead	C				
Mercury	C				

C = confirmed, greater than cleanup level    O = confirmed, not present    N/A = not suspected  
 B = confirmed, less than cleanup level    S = 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](#)<sup>13</sup> 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.

No structures exist currently.

### 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).

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

## Part 3 – Operational History

<b>3.A Current use of source property.</b> The following refers to only the source property and <b>not</b> other properties affected by the site contamination. Add information to the best of your ability.		
<b>3.A.1 Current property owners.</b> Identify the current owner of the source property.		
Name: Juan Castaneda & Adriana Rojas		Title:
Organization:		
Mailing address: 3618 South 243rd Road		
City: Kent	State: WA	Zip: 98032
Phone:		
<b>3.A.2 Current business owner (operator).</b> Identify the current business owner operating on the source property.		
Name: Susan Penoyar		Title: Environmental Manager
Organization: Central Puget Sound Regional Transit Authority		
Mailing address: 401 S Jackson Street		
City: Seattle	State: WA	Zip: 98104
Phone: 206-370-5531		
<b>3.A.3 Current business operations.</b> Identify the current business operations on the source property.		
What is the current land use of the source property? Check <b>all that apply</b> .		
<input type="checkbox"/> residential <input type="checkbox"/> commercial <input type="checkbox"/> industrial <input type="checkbox"/> agricultural <input type="checkbox"/> childcare facility <input type="checkbox"/> school <input type="checkbox"/> park <input checked="" type="checkbox"/> other – specify: <span style="border: 1px solid red; padding: 2px;">Transit</span>		
Does a commercial or industrial business currently operate on the source property? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown		
If “ <b>yes</b> ”, 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? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown		
If “ <b>yes</b> ”, identify below. If you need to add more information, go to <a href="#">3.A.3</a> 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
Stormwater discharge during construction	NPDES Permit WAR307947	11/18/19

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	25,000	1		N		Removed	Y	N
	UST	10,000	2		N		Removed	Y	N
Diesel	UST	5,000	3		N		Removed	Y	N
Heating oil	UST	20,000	4	1996	N		Removed	Y	N
Diesel	UST	<1,000	5		N		Removed		
	UST	3,000	6		N		Removed		
	UST	3,000	7		N		Removed		
	UST	650	8		N		Removed		

(\*) Options = removed or closed in place.

## Part 3 – Operational History

<b>3.B Past use of source property.</b> The following refers to only the source property, not other properties affected by the site.			
<b>3.B.1 Past property owners.</b> Identify the owner of the source property when the release occurred.			
Name: Juan Castaneda and Adriana Rojas		Title:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Fax:	Email:	
<b>3.B.2 Past business owners (operators).</b> Identify the site business owner (operator) when the release occurred.			
Name:		Title:	
Organization: Southgate Oil			
Mailing address: 23428 Pacific Hwy S			
City: Kent		State: WA	Zip:
Phone:	Fax:	Email:	
<b>3.B.3 Identification of past business operations.</b> 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	
454319		Other Fuel Dealers	
<b>3.C Future use of source and affected properties.</b> 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? <input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> unknown			
If “yes”, specify below. If you need to add more information, go to <a href="#">3.C</a> 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.

The Federal Way Link Extension light rail is being constructed on the eastern portion of the property.

A road and sidewalks will also be constructed.

## Part 4 – Administrative history

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

☒ yes ☐ no ☐ unknown

If “**yes**”, when? 2002

**Reported by others**

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	Phase I Environmental Site Assessment, FL-209 Draft 2, Tax Parcel 2500600480	GeoEngineers, Inc.	March 2017	yes	
2	Phase II Environmental Site Assessment Report, Sound Transit - Federal Way Link Extension Parcel FL-209, Former Sou	GeoEngineers, Inc.	9/21/18	yes	
3	Soil Characterization and Remediation Report Parcel FL209	O'Neill Service Group	1/26/21	yes	
4	Initial Site Assessment; Southgate Oil Site; 23428 Pac Hwy S; Kent, WA	Nowicki & Associates, Inc.	11/11/00	yes	
5	Progress Site Assessment; Southgate Oil Site; 23428 Pac Hwy S; Kent, Washington	Nowicki & Associates, Inc.	5/3/01	yes	
6	DiGioVanni UST Decommissioning Project; 23428 Pacific Highway South; Kent, Washington	Sound Environmental Strategies	2/25/02	yes	
7	Further Action Determination letter for Southgate Oil. Addressed to Marsilio DiGiovanni.	WA State Dept of Ecology	6/9/06	yes	
8					
9					
10					

## Part 6 – Statement and signature

<b>6.A Statement and signature.</b> The undersigned <b>affirms</b> that the information provided in this application is true and accurate to the best of the applicant's knowledge. Someone other than the <b>applicant</b> may sign this application form.			
Name: Susan Penoyar		Title: Environmental Manager	
Signature:		Date:	
Organization: Central Puget Sound Transit Authority			
Mailing address: 401 S Jackson Street			
City: Seattle		State: WA	Zip: 98104
Phone: 206-370-5531	Email: susan.penoyar@soundtransit.org	Fax:	
<b>6.B Affiliation.</b>			
What is the signatory's involvement at the site? Check <b>all that apply</b> .			
<input checked="" type="checkbox"/> applicant <input type="checkbox"/> property owner <input type="checkbox"/> consultant <input type="checkbox"/> attorney			
<input type="checkbox"/> other - specify:			
<b>Expedited VCP note:</b> While anyone may sign the <b>application form</b> , only certain types of applicants are eligible to join <b>Expedited VCP process</b> and sign the <b>Expedited VCP agreement</b> . To sign the agreement, the applicant <b>must</b> 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 <b>must</b> sign the <b>Expedited VCP agreement</b> .			

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).<sup>14</sup> Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

<sup>14</sup> <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.

<b><u>2.C</u> Affected properties (continued)</b>	
5	Address:
	Tax parcels:
6	Address:
	Tax parcels:
7	Address:
	Tax parcels:
8	Address:
	Tax parcels:
9	Address:
	Tax parcels:
10	Address:
	Tax parcels:

<b><u>2.D</u> Public rights-of-way affected by the releases (continued)</b>

<b><u>2.F.1</u> Release source(s) (continued)</b>

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


<a href="#">2.F.3</a> Release discovery circumstances (continued)

<a href="#">2.G.2</a> Indoor air (continued)

<a href="#">3.A.3</a> Current business operations (continued)

<a href="#">3.C</a> Future use of source and affected properties (continued)

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

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

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

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


**ATTACHMENT B**  
**Terrestrial Ecological Evaluation**







# 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 [www.ecy.wa.gov/programs/tcp/policies/terrestrial/TEEHome.htm](http://www.ecy.wa.gov/programs/tcp/policies/terrestrial/TEEHome.htm).

#### Step 1: IDENTIFY HAZARDOUS WASTE SITE

Please identify below the hazardous waste site for which you are documenting an evaluation.

Facility/Site Name:

Facility/Site Address:

Facility/Site No:

VCP Project No.:

#### Step 2: IDENTIFY EVALUATOR

Please identify below the person who conducted the evaluation and their contact information.

Name:

Title:

Organization:

Mailing address:

City:

State:

Zip code:

Phone:

Fax:

E-mail:

### 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<sup>#</sup> undeveloped<sup>±</sup> 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<sup>#</sup> undeveloped<sup>±</sup> 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.

## B. Simplified evaluation.

### 1. Does the Site qualify for a simplified evaluation?

- ☐ Yes     *If you answered "YES," then answer **Question 2** below.*
- ☐ No or Unknown     *If you answered "NO" or "UNKNOWN," then skip to **Step 3C** of this form.*

### 2. Did you conduct a simplified evaluation?

- Yes     *If you answered "YES," then answer **Question 3** below.*
- ☐ No     *If you answered "NO," then skip to **Step 3C** of this form.*

### 3. Was further evaluation necessary?

- Yes     *If you answered "YES," then answer **Question 4** below.*
- ☐ No     *If you answered "NO," then answer **Question 5** below.*

### 4. If further evaluation was necessary, what did you do?

- ☐ Used the concentrations listed in Table 749-2 as cleanup levels. *If so, then skip to **Step 4** of this form.*
- ☐ Conducted a site-specific evaluation. *If so, then skip to **Step 3C** of this form.*

### 5. If no further evaluation was necessary, what was the reason? Check all that apply. Then skip to **Step 4** of this form.

#### Exposure Analysis: WAC 173-340-7492(2)(a)

- ☐ Area of soil contamination at the Site is not more than 350 square feet.
- ☐ Current or planned land use makes wildlife exposure unlikely. Used Table 749-1.

#### Pathway Analysis: WAC 173-340-7492(2)(b)

- ☐ No potential exposure pathways from soil contamination to ecological receptors.

#### Contaminant Analysis: WAC 173-340-7492(2)(c)

- ☐ No contaminant listed in Table 749-2 is, or will be, present in the upper 15 feet at concentrations that exceed the values listed in Table 749-2.
- ☐ No contaminant listed in Table 749-2 is, or will be, present in the upper 6 feet (or alternative depth if approved by Ecology) at concentrations that exceed the values listed in Table 749-2, and institutional controls are used to manage remaining contamination.
- ☐ No contaminant listed in Table 749-2 is, or will be, present in the upper 15 feet at concentrations likely to be toxic or have the potential to bioaccumulate as determined using Ecology-approved bioassays.
- ☐ No contaminant listed in Table 749-2 is, or will be, present in the upper 6 feet (or alternative depth if approved by Ecology) at concentrations likely to be toxic or have the potential to bioaccumulate as determined using Ecology-approved bioassays, and institutional controls are used to manage remaining contamination.

**C. Site-specific evaluation.** A site-specific evaluation process consists of two parts: (1) formulating the problem, and (2) selecting the methods for addressing the identified problem. Both steps require consultation with and approval by Ecology. See WAC 173-340-7493(1)(c).

**1. Was there a problem?** See WAC 173-340-7493(2).

- ☐ Yes    *If you answered “YES,” then answer **Question 2** below.*
- ☐ No    *If you answered “NO,” then identify the reason here and then skip to **Question 5** below:*
- ☐ No issues were identified during the problem formulation step.
- ☐ While issues were identified, those issues were addressed by the cleanup actions for protecting human health.

**2. What did you do to resolve the problem?** See WAC 173-340-7493(3).

- ☐ Used the concentrations listed in Table 749-3 as cleanup levels. *If so, then skip to **Question 5** below.*
- ☐ Used one or more of the methods listed in WAC 173-340-7493(3) to evaluate and address the identified problem. *If so, then answer **Questions 3 and 4** below.*

**3. If you conducted further site-specific evaluations, what methods did you use?**

*Check all that apply. See WAC 173-340-7493(3).*

- ☐ Literature surveys.
- ☐ Soil bioassays.
- ☐ Wildlife exposure model.
- ☐ Biomarkers.
- ☐ Site-specific field studies.
- ☐ Weight of evidence.
- ☐ Other methods approved by Ecology. If so, please specify:

**4. What was the result of those evaluations?**

- ☐ Confirmed there was no problem.
- ☐ Confirmed there was a problem and established site-specific cleanup levels.

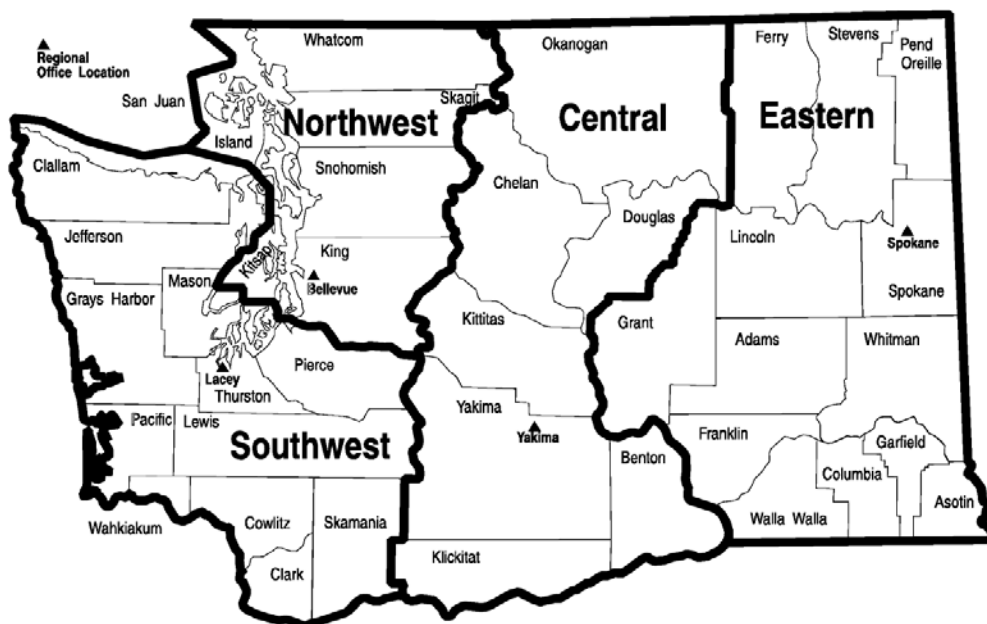
**5. Have you already obtained Ecology’s approval of both your problem formulation and problem resolution steps?**

- ☐ Yes    If so, please identify the Ecology staff who approved those steps:
- ☐ No

## 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.

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



**ATTACHMENT C**  
**VCP Agreement**





# Voluntary Cleanup Program Agreement

## Washington State Department of Ecology Toxics Cleanup Program

<b>For completion by Ecology only</b>	<b>Facility/Site Name:</b>
	<b>Facility/Site No.:</b>
	<b>VCP Project No.:</b>

### 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 Central Puget Sound Regional Transit Authority (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: 23428 Pacific Hwy S, Kent, WA.

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 70A.305 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 70A.305.170, 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 70A.305.040(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

Customer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name of Signatory

Section Manager,  
Toxics Cleanup Program

\_\_\_\_\_  
Title of Signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
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.