STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

September 20, 2022

Elisabeth Silver
Atlas Technical Consultants
6347 Seaview Avenue NW
Seattle, WA 98107
(Elisabeth.Silver@oneatlas.com)

Re: No Further Action opinion for the following contaminated Site

Site name:	Harbour Pointe Cleaners Lynnwood
Site address:	13619 Mukilteo Speedway, Lynnwood, WA 98037
Facility/Site ID:	41352598
Cleanup Site ID:	12413
VCP Project No.:	NW2902

Dear Elisabeth Silver:

The Washington State Department of Ecology (Ecology) received your request for an opinion regarding the sufficiency of your independent cleanup of the Harbour Pointe Cleaners Lynnwood facility (Site) under the Voluntary Cleanup Program (VCP).[1] This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.[2]

Opinion

Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion depends on the continued performance and effectiveness of the post-cleanup controls and monitoring specified in this letter and in the environmental covenant in **Enclosure A**.

[1] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program
[2] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in Chapter 70A.305 RCW and Chapter 173-340 WAC[3] (collectively called "MTCA").

Site Description

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release(s):

- Tetrachloroethylene (PCE) in soil.
- PCE and trichloroethylene (TCE) in soil gas.
- PCE and TCE in indoor air.

Enclosure B includes a Site description, history, and diagrams.

Please note that releases from multiple sites can affect a parcel of real property. At this time, Ecology has no information that other sites affect the parcel associated with this Site.

Basis for the Opinion

Ecology bases this opinion on information in the documents listed in **Enclosure C**. You can request these documents by filing a records request.[4] For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040. Before making a request, check whether the documents are available on the Site webpage.[5]

This opinion is void if any of the information contained in the documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that no further remedial action is necessary to clean up contamination at the Site. Ecology bases its conclusion on the following analysis:

Characterizing the Site

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards and selecting a cleanup action. **Enclosure B** describes the Site.

The Site is located within a shopping center (Mukilteo Speedway Center) at 13619 Mukilteo Speedway in Lynnwood, Washington (Property, see **Enclosure B, Figure 2**). From approximately 1992 to 2018, a former dry cleaner (Harbour Pointe Cleaners) operated at Suite B6 of Building

[3] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
[4] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests
[5] https://apps.ecology.wa.gov/cleanupsearch/site/12413

B, on the northern portion of the Property. Harbour Pointe Cleaners reportedly utilized PCE and TCE in the dry cleaning operations, and is the source of the contamination.

PCE concentrations above the MTCA Method A soil cleanup level is present in soil at approximately 1 foot below ground surface (bgs) under Suite B6 (former dry cleaner Suite) and Suite B5 located immediately to the west. The maximum depth of PCE contamination is at approximately 2.75 feet bgs. The lateral and vertical extent of the soil contamination is sufficiently defined.

Five groundwater monitoring wells were installed in the vicinity of Building B. Groundwater samples collected from the monitoring wells contained concentrations of PCE, TCE, or other chlorinated volatile organic compounds (CVOCs) below the MTCA Method A groundwater cleanup levels. Therefore, the soil-leaching-to-groundwater pathway is incomplete.

PCE and TCE concentrations exceeded the MTCA Method B sub-slab soil gas screening levels in soil gas beneath Suite B5 and B6. A Sub-slab Depressurization (SSD) system operated under the building from January 2017 to June 2018. After the SSD system shutdown and the former dry cleaner was vacated, two rounds of indoor air samples were collected from Suite B5 and B6 in warm weather (July 2018) and cold weather (January 2019). CVOC concentrations were below the MTCA Method B indoor air cleanup levels in the indoor air samples collected in both events.

Setting cleanup standards

Ecology has determined the cleanup levels and points of compliance you set for the Site meet the substantive requirements of MTCA.

<u>Soil:</u>

The Site does not meet the MTCA definition of an industrial property; therefore, soil cleanup levels suitable for unrestricted land use are appropriate. For unrestricted land use, the MTCA Method A cleanup levels are appropriate for protection of leaching to groundwater and direct contact pathways, and were selected as the cleanup levels for soil at the Site. These Method A cleanup levels are provided in WAC 173-340-900, Table 740-1.

Soil cleanup levels protective of terrestrial ecological receptors are not applicable for this Site, based on the exclusion relating to proximity of undeveloped land, in accordance with WAC 173-340-7491(1)(c)(i). There are less than 1.5 contiguous acres of undeveloped land on or within 500 feet of any part of the Site.

For soil cleanup levels based on the protection of groundwater, the point of compliance is defined as Site-wide throughout the soil profile and may extend below the water table. This is the appropriate point of compliance for the Site.

Groundwater:

Cleanup levels were set for groundwater based on its potential use as a drinking water source. The MTCA Method A cleanup levels are appropriate for this purpose, and were selected as the cleanup levels for groundwater at the Site. These Method A groundwater cleanup levels are available in WAC 173-340-900, Table 720-1.

The standard point of compliance for groundwater is throughout the Site, from the uppermost level of the saturated zone extending vertically to the lowest depth which could potentially be affected. This is the appropriate point of compliance for the Site.

Air:

Cleanup levels for air are based on protection of human health. MTCA Method B indoor air cleanup levels are appropriate for this purpose. These Method B levels are available in Ecology's *Cleanup Levels and Risk Calculation (CLARC)* database.[6]

The standard point of compliance for air is in ambient and indoor air throughout the Site. This is the appropriate point of compliance for the Site.

Selecting the cleanup action

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The selected cleanup action is documented in *Revised Cleanup Action Report*, dated September 4, 2019. The cleanup action consists of the following:

- Collecting soil samples from 2006 to 2015 to delineate the extent of the soil contamination.
- Collecting groundwater samples in 2006 to determine the groundwater condition.
- Performing a two-tiered vapor intrusion risk evaluation by collecting sub-slab soil gas samples, as well as indoor and outdoor air samples in 2015.
- Operating a SSD system from January 2017 to June 2018 to reduce the mass of the PCE contamination beneath the building.
- Decommissioning the dry cleaning facilities and cleaning the building interior in June 2018.
- Collecting sub-slab soil gas, indoor and outdoor air samples after the SSD system shutdown and dry cleaner decommissioning to determine the post-remediation condition.

[6] https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Contamination-clean-up-tools/CLARC/Data-tables

- Establishing an Environmental Covenant to implement institutional and engineered controls.

Implementing the cleanup action

Ecology has determined your cleanup meets the standards set for the Site. This determination depends on the continued performance and effectiveness of the post-cleanup controls and monitoring specified in this letter.

The cleanup action is described as follows:

- Soil investigations sufficiently defined the lateral and vertical extent of PCE-contaminated soil that remains under the building. The existing concrete floor prevents direct contact with the contaminated soil and contaminated soil leaching to groundwater.
- Groundwater samples collected from five groundwater monitoring wells determined that groundwater at the Site is not contaminated with CVOCs. These monitoring wells were properly decommissioned.
- A two-tied vapor intrusion evaluation confirmed exceedances of PCE and TCE in sub-slab soil gas and indoor air. A SSD system was subsequently installed to reduce the mass and concentration of CVOC in soil beneath the building. The SSD system operated for 17 months, from January 2017 to June 2018. The SSD system consisted of an extraction point and associated riser pipe that is plumbed vertically from the sub-slab to a blower mounted to the building roof. During the SSD system operation, quarterly indoor and outdoor air samples were obtained and analyzed to determine the effectiveness of the system.
- The former dry cleaner Suite B6 was vacated in June 2018. All above-ground features are removed, including the dry cleaning machine, spot cleaning and pressing table, containers of spot cleaners, dry cleaning solvents, waste filters, and spend solvent wastes. The interior floor and walls were cleaned.
- Post-remediation sub-slab soil gas, indoor and outdoor air samples were collected in both warm weather (July 2018) and cold weather (January 2019) after SSD system shutdown and former dry cleaner decommissioning. All indoor air samples contained CVOC concentrations below the MTCA Method B indoor air cleanup levels.
- Institutional controls and engineered controls were implemented through an Environmental Covenant to prevent or limited movement of, or exposure to, remaining Site contamination.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed to ensure compliance with cleanup standards. Ecology is issuing this No Further Action opinion based on the

continued performance and effectiveness of the following post-cleanup remedial actions at the Site. Ecology may rescind this opinion if these remedial actions are not performed or do not effectively maintain the cleanup standards.

Compliance with institutional controls

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to contamination. The following site-specific institutional controls are needed at the Site:

- Land Use. The remedial action is based on a cleanup designed for commercial property. Therefore, the Property shall be used only for commercial land uses under Chapter 70A.305 RCW. Prohibited uses include but are not limited to residential uses, childcare facilities, K-12 public or private schools, parks, grazing of animals, and growing of food crops.
- Containment of Soil and Waste Material. Contaminated soil remains in a Remedial Action Area beneath Suite B6, B5 (west of B6), and B7 (east of B6) of Building B, on the northern portion of the Property. The remedial action is based on containing contaminated soil under a cap consisting of concrete floor slab and located within the Remedial Action Area. The existing structures in the Remedial Action Area shall not be altered or removed in any manner that would expose contaminated soil, result in a release to the environment of contaminants, or create a new exposure pathway, without prior written approval of Ecology. If all or portion of the existing structures in the Remedial Action Area will be removed so that access to the underlying contamination is feasible, Ecology may require treatment or removal of the underlying contaminated soil.
- Stormwater Facilities. No stormwater infiltration facilities or ponds shall be constructed within the Remedial Action Area. All roof drains, conveyance systems, and other appurtenances located within this area shall be of watertight construction.
- Vapor and Gas Controls. In order to maintain the current level of protection to vapor intrusion risk, the condition of the interior floor will be maintained in its current or better state of repair and inspected annually.

To implement the controls, you recorded an environmental covenant on the following parcel of real property in Snohomish County:

- Tax parcel # 00373300801003

Ecology approved the recorded environmental covenant (see **Enclosure A**). To amend or release the covenant, you must request additional review under the VCP.[7]

[7] https://apps.ecology.wa.gov/publications/SummaryPages/1509057.html

Operation and maintenance of engineered controls

Engineered controls prevent or limit movement of, or exposure to, contamination. The Site needs the following engineered controls:

- The concrete floor slab within the Remedial Action Area (Suite B5, B6, and B7 of Building B) performs as an engineered control barrier for rainwater infiltration and vapor intrusion, and prevents direct contact with residual contamination in soil.

  The operation and maintenance of this engineered control is described in **Exhibit E** of the Environmental Covenant (**Enclosure A** to this opinion letter). Ecology has determined the *Operation and Maintenance Plan and Annual Inspection Form* you submitted for these engineered controls meets the substantive requirements of MTCA.

Periodic review of post-cleanup conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to evaluate whether they remain protective of human health and the environment. Based on a periodic review, if Ecology determines the Site needs further remedial action, Ecology will rescind this opinion.

Listing of the Site

Based on this opinion, Ecology will remove the Site from the Confirmed and Suspected Contaminated Sites List.

Limitations of the Opinion

Opinion does not settle liability with the state

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).[8]

Opinion does not constitute a determination of substantial equivalence

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised

[8] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040

action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080[9] and WAC 173-340-545.[10]

State is immune from liability

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70A.305.170(6).[11]

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. NW2902.

Questions

If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at 425-229-2565 or email at jing.song@ecy.wa.gov.

Sincerely,

Jing Song
NWRO, Toxics Cleanup Program

Enclosures (3):

A – Environmental Covenant for Institutional Controls
B – Site Description, History, and Diagrams
C – Basis for the Opinion: List of Documents

cc:

Scott Gerber, KIMCO Realty (sgerber@kimcorealty.com)
B33 Mukilteo LLC (Prop.mukilteo@bridge33capital.com)
David Killingstad, Snohomish County Planning (david.killingstad@snoco.org)
Sonia Fernández, Ecology NWRO VCP Coordinator (sonia.fernandez@ecy.wa.gov)
Tamara Welty, Ecology NWRO Periodic Reviewer (tamara.welty@ecy.wa.gov)
Tra Thai, VCP Financial Manager (w/o encl) (ecyrevcp@ecy.wa.gov)
Kelli Baker, TCP Operating Budget Analyst (w/o encl) (ecyrevcp@ecy.wa.gov)

[9] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080
[10] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545
[11] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170

Enclosure A

Environmental Covenant for Institutional Controls

202206160431
COVENANTS
Rec: $307.50
6/16/2022 2:52 PM 1 of 55
SNOHOMISH COUNTY, WA

After Recording, Return
Original Signed Covenant to:

Glynis A. Carrosino
Toxics Cleanup Program
Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

ENVIRONMENTAL COVENANT

Grantor: B33 MUKILTEO LLC
Grantee: State of Washington, Department of Ecology (hereafter "***Ecology***")
Brief Legal Description: Lot 2 BLA 2016-004-04 Rec 201706220310
(See Page A-1 for full legal description) 34-28-04 NE NE
Tax Parcel Nos.: 003733008 010 03

Cross Reference: Subordination. Non-Disturbance and Attornment Agreement, Recording Number 20150805000202.
Exhibit A – Property Legal Description
Exhibit B – Property Map
Exhibit C – Maps Illustrating the Location of Restrictions (with GPS Coordinates
Exhibit D – Subordination Agreement
Exhibit E – Operations and Maintenance Plan and Annual Inspection Form
Exhibit F – Contingency Plan
Exhibit G – WA State Department of Ecology Opinion Letter, dated May 31, 2019

RECITALS:

a. This document is an environmental restrictive covenant (hereafter "***Covenant***") executed pursuant to the Model Toxics Control Act ("***MTCA***"), Chapter 70A.305 RCW, and Uniform Environmental Covenants Act ("***UECA***"), chapter 64.70 RCW.

b. The Property that is the subject of this Covenant is part or all of a site commonly known as **Harbour Pointe Cleaners Lynnwood (Facility Site ID 41352598)**. The Property is legally described in **Exhibit A**, and illustrated in **Exhibit B**, both of which are attached (hereafter "***Property***"). If there are differences between these two Exhibits, the illustration in **Exhibit B** shall prevail.

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

Medium	**Principal Contaminants Present**
Soil	Tetrachloroethylene (PCE) and Trichloroethene (TCE)
Groundwater	Not Applicable
Surface Water/Sediment	Not Applicable

d. Site History/Remedial Actions Performed:

- The following describes the "Remedial Action" associated with this Covenant. During the 2006 Limited Phase II ESA, shallow soil and groundwater were investigated near the east end of the main commercial building on the north side of the Mukilteo Speedway Property. At the time, the building was occupied by Harbour Point Dry Cleaners and a Bartell Drugs store. Between 1992 and 2007 the facility utilized the chlorinated volatile organic compound (cVOC), tetrachloroethylene (PCE) in their dry cleaning operations. The presence of PCE in the subsurface is regulated in Washington State by Ecology under the Model Toxics Control Act Chapter 70A.305 (MTCA). The 2006 soil investigation was limited to shallow soil (0 to 2.75 ft.) directly beneath a dry cleaning machine. Soils were analyzed for volatile organic compounds (VOCs). PCE and Trichloroethene (TCE) were detected in shallow soils, with PCE exceeding the applicable soil cleanup criteria.

- Groundwater monitoring wells were installed to the north, south, and east of the building and were screened from approximately 5 to 15 ft. below ground surface (bgs). Depths to groundwater ranged from approximately 8.2 ft. to 14.2 ft. bgs, which, relative to ground surface elevations, correlate to a mostly flat groundwater surface with potential flow to the east-northeast. PCE, TCE, 1,1-dichloroethane, chloroform, naphthalene, and gasoline constituents (namely BTEX) were detected in groundwater immediately to the south and east of the building. Concentrations of these chemicals in groundwater did not exceed applicable cleanup criteria, and the gasoline constituents were attributed to other/offsite sources. Based on these results, BEA recommended retrofitting the dry cleaning machine with secondary containment and the termination of operations with PCE. In 2007, the dry cleaning operations switched from PCE to a petroleum hydrocarbon based cleaning solvent.

- Based on the findings of the 2006 Phase II ESA, a 2014 Opinion by Ecology recommended the characterization of subsurface impacts from dry cleaning activities and a vapor intrusion assessment. Accordingly, investigations by EBI Environmental and Engineering and Cardno

ATC focused on delineating a small source of cVOCs in shallow soil beneath the former Harbour Point dry cleaners and an evaluation of the vapor intrusion pathway. A standard, two-tiered vapor intrusion evaluation approach was employed, and the data was screened against Ecology screening levels for vapor intrusion. Shallow soil borings and soil vapor samples were collected beneath the slab at the former dry cleaners. Indoor and ambient air samples were also collected. The majority of soil sampling was focused on the interval directly beneath the slab to approximately 4 feet bgs. Free groundwater was not encountered.

- In accordance with MTCA, Cardno ATC performed a feasibility study/disproportionate cost analysis of three remedial alternatives to address a 3,000 square foot area beneath the former dry cleaners with soil and soil vapor exceeding applicable commercial/industrial criteria and screening levels, respectively. Natural attenuation with institutional controls and a restrictive covenant was the selected cleanup alternative. Following review of the FS/DCA report and a phone meeting between Weingarten, ATC, and Ecology, a sub-slab depressurization system (SSDS) was added to the cleanup alternative based on request by Ecology.

- In 2017, an SSDS was installed by ATC and operated for 17 months. An SSDS report was submitted to Ecology on February 26, 2018. Following review of the report, Ecology requested that additional sub-slab sampling be conducted following cleaning of the former dry cleaners space. The space was cleaned on June 28, 2018, and sub-slab, indoor, and outdoor air sampling was conducted on July 6, 2018. A Cleanup Action Report (CAR) was prepared and submitted to Ecology on October 15, 2018. The CAR was prepared in accordance with MTCA to describe the historical environmental assessment activities, associated cleanup actions completed to date, and additional documentation intended to demonstrate that the completed cleanup action attained the site cleanup requirements.

- A telephone meeting was held between ATC, Weingarten, and Ecology on April 11, 2019 to discuss the CAR. A revised CAR, dated June 2, 2019, was prepared to include the items discussed on the call. On May 31, 2019, Ecology issued an Opinion on Proposed Cleanup of the former Harbour Pointe Cleaners Site. The letter stated that upon completion of the proposed cleanup, and establishment of an environmental covenant, no further remedial action would likely be necessary. The Final CAR, dated September 4, 2019, was revised to meet the requirements of MTCA WAC Chapter 173-340, and included items requested by Ecology in their May 31, 2019 letter.

- In the May 31, 2019 MTCA NFA-Likely Opinion letter on the proposed cleanup (letter from Ecology to ATC, attached as **Exhibit H**), Ecology stated it would issue a No Further Action opinion letter subject only to an environmental covenant for PCE and TCE in soil that remain above Ecology unrestricted use cleanup criteria.

e It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through Ecology. Pertinent historical reports and correspondence are listed below in chronological order, and include the following:

- Buchanan Environmental Associates, Phase I Environmental Site Assessment, Mukilteo Speedway Center 13619 Mukilteo Speedway, Lynnwood, WA 98037, September 6, 2006.
- EBI Consulting, Phase II Environmental Site Assessment, Speedway Shopping Center, 13632 Highway 99, Lynnwood, WA, March 18, 2013.

- Washington State Department of Ecology, Opinion Under WAC 173-340-515(5) on Site Environmental Assessments for the Following Hazardous Waste Site: Harbour Pointe Cleaners Lynnwood, Facility No. 41352598 Cleanup Site ID No. 12413 VCP Project No. NW2902, 13619 Mukilteo Speedway, Lynnwood, WA, 98037, October 17, 2014.
- Cardno ATC, Limited Subsurface Investigation, Speedway Shopping Center - Harbour Pointe Cleaners, 13619 Mukilteo Speedway, Lynnwood, WA, April 3, 2014.
- Cardno ATC, Additional Soil Assessment and Tier I Vapor Intrusion Assessment, Mukilteo Speedway Center - Harbour Pointe Cleaners, 13619 Mukilteo Speedway, Lynnwood, WA, March 26, 2015.
- Cardno ATC, Feasibility Study with Disproportionate Cost Analysis, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, WA, September 17, 2015.
- Washington State Department of Ecology, Opinion Under WAC 173-340-515(5) on Feasibility Study with Disproportionate Cost Analysis for the Following Hazardous Waste Site: Harbour Pointe Cleaners Lynnwood, Facility No. 41352598 Cleanup Site ID No. 12413 VCP Project No. NW2902, 13619 Mukilteo Speedway, Lynnwood, WA, 98037, April 4, 2016.
- ATC, *Sub-Slab Depressurization Pilot Test Report*, Harbour Point Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, WA, December 7, 2016.
- ATC, *Sub-Slab Depressurization System Report* - January 2017 through December 2017, Harbour Point Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, WA, February 26, 2018.
- Washington State Department of Ecology, Opinion on Proposed Cleanup of the Following Site: Harbour Pointe Cleaners Lynnwood, Facility No. 41352598 Cleanup Site ID No. 12413 VCP Project No. NW2902, 13619 Mukilteo Speedway, Lynnwood, WA, 98037, May 31, 2019.
- ATC, Revised Cleanup Action Report, Former Harbour Point Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, WA, September 4, 2019.

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

COVENANT

B33 MUKILTEO LLC, a Washington limited liability company, as Grantor and fee simple owner of the Property hereby grants to the Washington State Department of Ecology, and its successors and assignees, the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall supersede any prior interests the Grantor has in the property and run with the land and be binding on all current and future owners of any portion of, or interest in, the Property.

Section 1. General Restrictions and Requirements.

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

a. Interference with Remedial Action. The Grantor shall not engage in any activity on the Property that may impact or interfere with the remedial action and any operation, maintenance, inspection or monitoring of that remedial action (if any is occurring) without prior written approval from Ecology.

b. Protection of Human Health and the Environment. The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not limited to, any activity that results in the release of residual contamination that was contained as a part of the remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Property.

c. Continued Compliance Required. Grantor shall not convey any interest in any portion of the Property within the "Remedial Action Areas" (as shown on **Exhibit C**) without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions (if any is occurring) and continued compliance required by the Covenant.

d. Leases. Grantor shall restrict any lease of the Property within the Remedial Action Areas or any lease that may involve activities associated with the Remedial Action to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property pursuant to this Covenant.

e. Preservation of Reference Monuments. Grantor shall make a good faith effort to preserve any reference monuments and boundary markers used to define the areal extent of coverage of this Covenant. Should a monument or marker be damaged or destroyed, Grantor shall have it replaced by a licensed professional surveyor within 30 days of discovery of the damage or destruction.

Section 2. Specific Prohibitions and Requirements.

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

a. Land Use. The remedial action for the Property is based on a cleanup designed for commercial property. As such, the Property shall be used in perpetuity only for commercial land uses as that term is defined in the rules promulgated under Chapter 70A.305 RCW. Prohibited uses on the Property (**Exhibit A** and **Exhibit B**) include but are not limited to residential uses, childcare facilities, K-12 public or private schools, parks, grazing of animals, and growing of food crops.

b. Containment of soil/waste materials. The Remedial Action for the Property is based on containing contaminated soil under a cap consisting of concrete floor slab and located within the Remedial Action Areas as illustrated in **Exhibit C**. The primary purpose of this cap is to perform as an engineered control barrier for rainwater infiltration, vapor intrusion, and prevent direct contact with residual contamination in soil. As such, the following restrictions shall apply within the area illustrated in **Exhibit C**.

i. The Grantor shall not alter or remove the existing structures on the Property in any manner that would expose contaminated soil, result in a release to the environment of contaminants, or create a

new exposure pathway, without prior written approval of Ecology. Should the Grantor propose to remove all or a portion of the existing structures illustrated in **Exhibit C**, so that access to the underlying contamination is feasible, Ecology may require treatment or removal of the underlying contaminated soil.

ii. The Grantor covenants and agrees that it shall annually, or as otherwise approved in writing by Ecology, inspect and report on, within thirty (30) days of such inspection, the condition of that portion of the building located on the Property and any changes to the building that would impair its performance as a cap to contain existing contamination. Inspections shall be conducted in accordance with the Operations and Maintenance Plan provided as **Exhibit E.**

c. **Stormwater Facilities.** In order to minimize the potential for mobilization of contaminants in soil at the property, no stormwater infiltration facilities or ponds shall be constructed within the area of the Property illustrated in Exhibit B. All roof drains, conveyance systems, and other appurtenances located within this area shall be of watertight construction.

d. **Vapor/Gas Controls.** Sampling and analysis of soil gas indicates that the vapor intrusion does not currently pose an unacceptable risk to allowed land uses listed under 2.a. above. In order to maintain this level of protection the condition of the interior floor will be maintained in its current or better state of repair and inspected annually. The floor slab within the area illustrated in **Exhibit C** shall be subject to the Operations and Maintenance Manual presented in **Exhibit E.** Maintenance of the floor slab shall maintain the current or better level of vapor intrusion protectiveness for the allowable on-Property uses.

e. **Other.**

If the Property becomes re-zoned for residential use, the Property is restricted from becoming residential in the future without further remedial action. A new vapor intrusion assessment must be conducted to determine the current indoor air and sub-slab soil conditions. Evaluation of remedial alternatives and a proposed cleanup action for the Site would then be conducted and presented to Ecology. The Feasibility Study (FS) will establish cleanup standards, evaluate a range of cleanup alternatives and provide the basis for selection of an effective and final cleanup action for the Site as a residential property. The substantive requirements of MTCA must be met.

If the current building is remodeled in any manner that could change vapor intrusion conditions, or if the HVAC system is altered, a new vapor intrusion assessment must be conducted. If the current building is demolished and removed, the residual contaminated soil below the building must be resampled. If soil exceeds MTCA Method B cleanup levels, and is removed during redevelopment of the Property, Ecology will consider a request to release this Environmental Covenant.

A Contingency Plan (**Exhibit F**) describes potential contingency actions that may be performed in the event that a triggering condition is observed at the Former Harbour Point Cleaners Site at 13619 Mukilteo Speedway in Lynnwood, Washington (Site). This Contingency Plan is being provided as a required component of the Environmental Covenant for the Site being granted under the Washington Department of Ecology (Ecology) Voluntary Cleanup Program (VCP).

Section 3. Access.

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

b. The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Remedial Action Areas within the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.

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

Section 4. Notice Requirements.

a. Conveyance of Any Interest within the Remedial Action Areas. The Grantor, when conveying any interest in any part of the Property associated with the Remedial Action Areas or the Remedial Action, including but not limited to title, easement, leases, and security or other interests, must:

i. Provide written notice to Ecology of the intended conveyance at least thirty (30) days in advance of the conveyance. Waiver of this advance notice to Ecology for these transactions does not constitute waiver of this notice for the entire Property nor a waiver of the requirement in Section 4.a.ii. to include this notice in any document conveying interest in the Property.

ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON

_____, 20 AND RECORDED WITH THE SNOHOMISH COUNTY AUDITOR UNDER RECORDING NUMBER_____. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.

iii. Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

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

c. Emergencies. For any emergency or significant change in site conditions due to Acts of Nature (for example, flood or fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor must notify Ecology in writing of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

d. Notification procedure. Any required written notice, approval, reporting or other communication shall be personally delivered or sent by first class mail to the following persons. Any change in this contact information shall be submitted in writing to all parties to this Covenant. Upon

mutual agreement of the parties to this Covenant, an alternative to personal delivery or first class mail, such as email or other electronic means, may be used for these communications.

B33 Mukilteo LLC 9450 SW Gemini Dr, PMB 58938 Beaverton, Oregon 97008-7105 (206) 538-0083 Prop.mukilteo@bridge33capital.com	Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program P.O. Box 47600 Olympia, WA 98504-7600 (360) 407-7170 barry.rogowski@ecy.wa.gov

Section 5. Modification or Termination.

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

i. Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal; and

ii. If Ecology approves of the proposal, the Covenant must be amended to reflect the change before the activity or use can proceed.

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

Section 6. Enforcement and Construction.

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

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

c. Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including MTCA and UECA. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.

d. The Grantor shall be responsible for all costs associated with implementation of this Covenant. Furthermore, the Grantor, upon request by Ecology, shall be obligated to pay for Ecology's actual costs

to process a request for any modification or termination of this Covenant and any approval required by this Covenant.

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

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

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

The undersigned Grantor warrants it holds the title to the Property and has authority to execute this Covenant.

[*Signatures on Following Pages*]

EXECUTED 24 day of March, 2021.

"GRANTOR" B33 MUKILTEO LLC,

a Washington limited liability company

By: DocuSigned by: Andy Chien AGBBF1B7E8974C5... Name: Andy Chien

Its: Managing Principal

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 24 day of March, 2021, I certify that Andy Chien personally appeared before me, acknowledged that he is the Managing Principal of B33 MUKILTEO LLC, a Washington limited liability company, the limited liability company that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument for said limited liability company.

ERIKA VERNON
Notary Public
State of Washington
Commission # 20110376
Commission Expires 8/6/2024

(Signature of Notary) DocuSigned by: Erika Vernon AE9ABF361911496...

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at Seattle, WA

My Appointment Expires: 8/6/2024

The Department of Ecology hereby accepts the status of GRANTEE and HOLDER of the Above Environmental Covenant.

"GRANTEE"

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, a Washington state Agency

By: _____

Name: Robert W. Warren

Its: Section Manager - TCP-NWRO

Date: June 15, 2022

EXHIBIT A

LEGAL DESCRIPTION

That certain real property designated as suites B5, B6, and B7 only (as shown on the depiction attached hereto as Exhibit B) within the shopping center known as Mukilteo Speedway, the same of which are located on a portion of Lot 2, Snohomish County Boundary Line Adjustment No. 2016 004 04, recorded June 22, 2017 under Recording Numbers 201706220310 and 201706225002, the entirety of which, being said Lot 2, is not intended to be affected, and instead is intended to be limited to the suites aforementioned and depicted as set forth herein.

EXHIBIT B

PROPERTY MAP

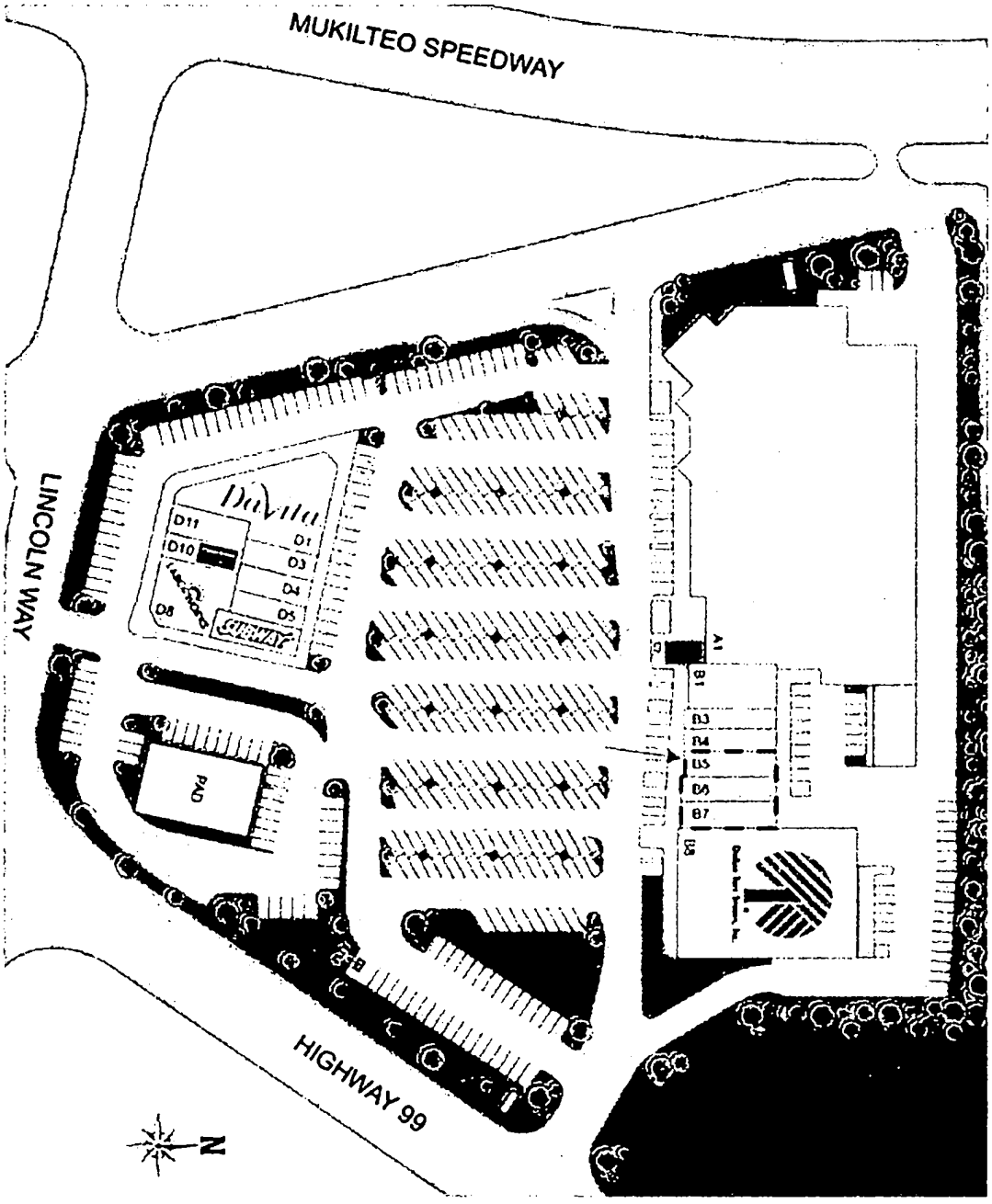
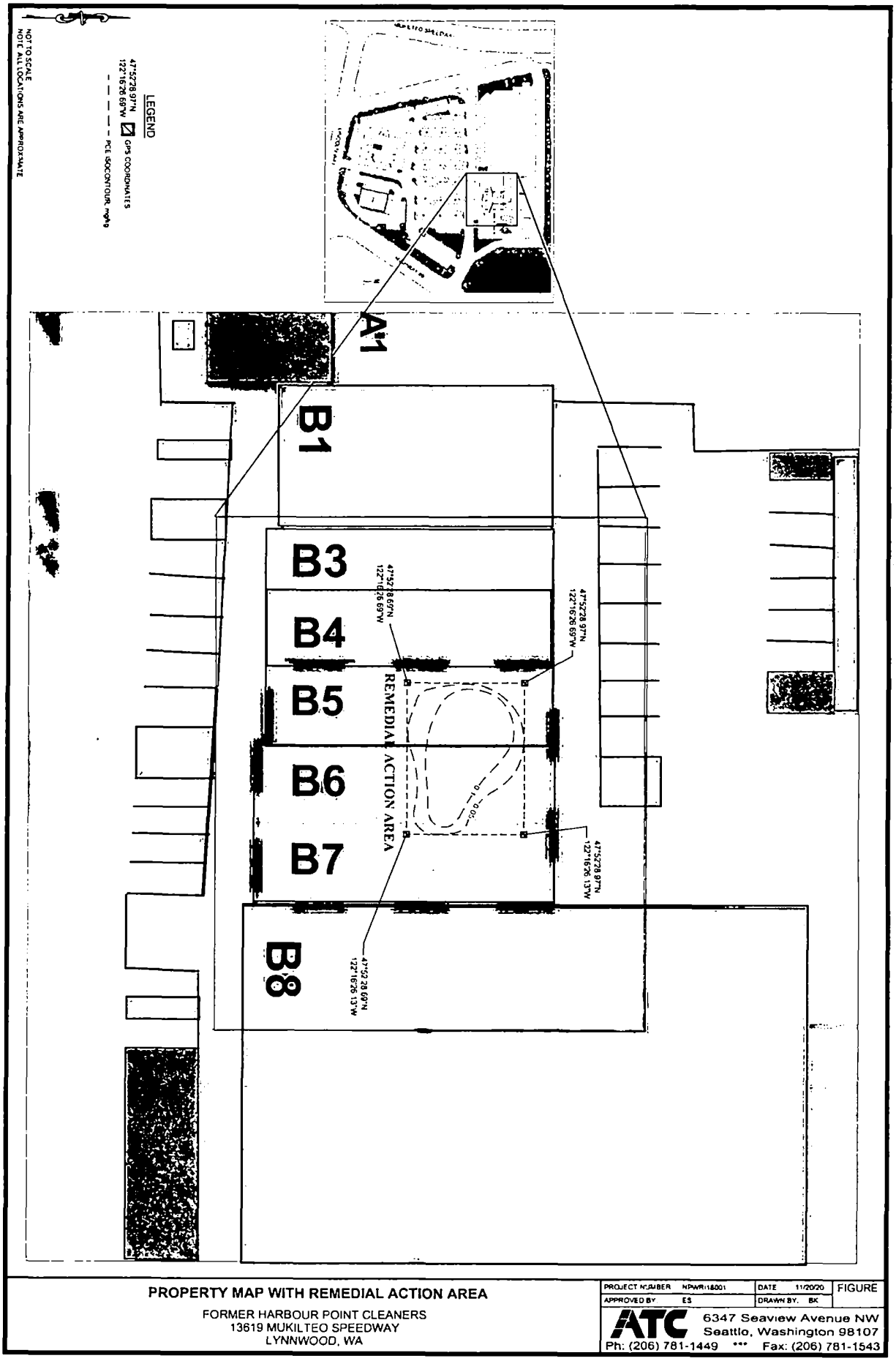


EXHIBIT C

MAPs ILLUSTRATING LOCATION OF RESTRICTIONS

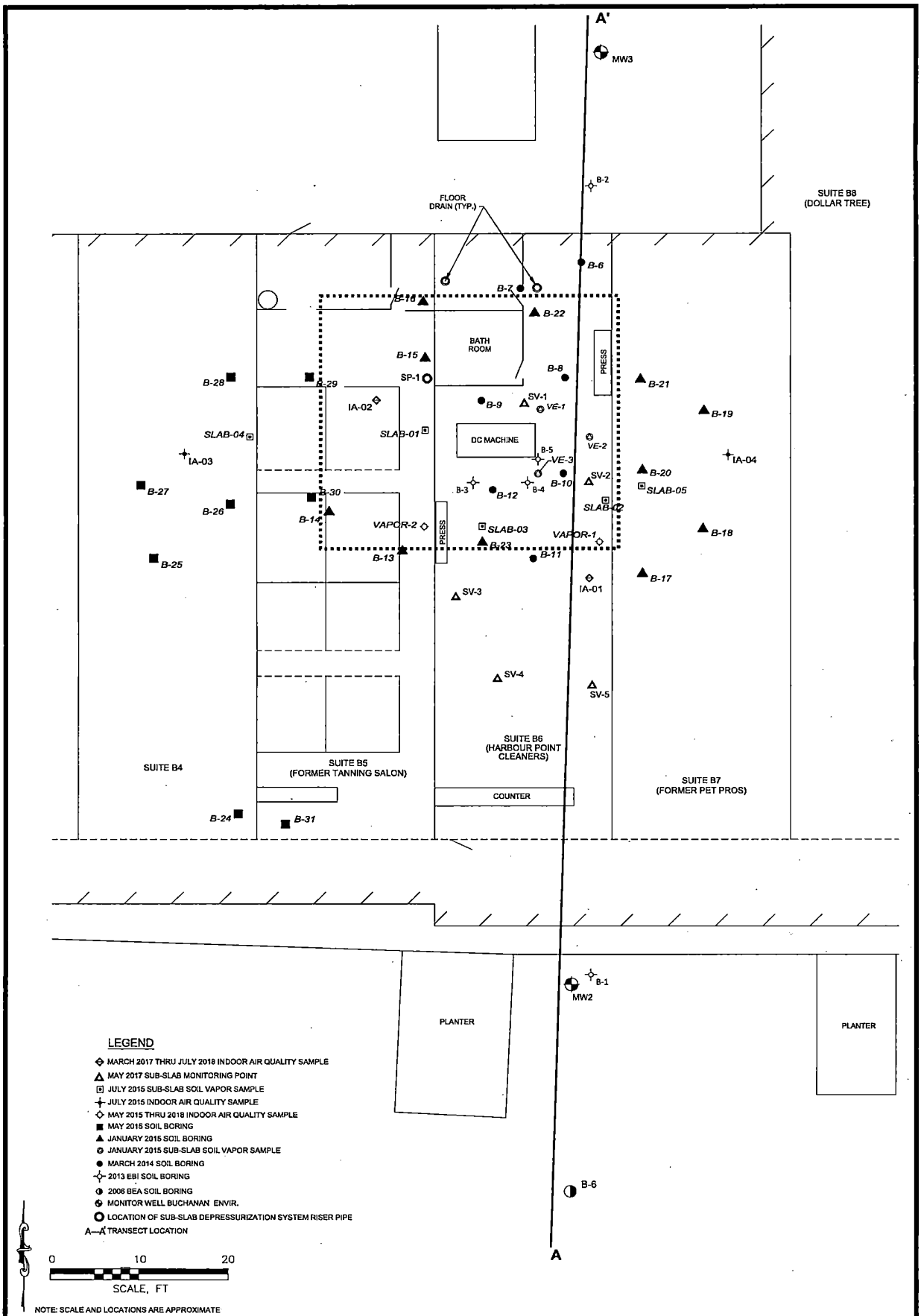


PROPERTY MAP WITH REMEDIAL ACTION AREA

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER	NPWR118001	DATE 11/2020	FIGURE
APPROVED BY	ES	DRAWN BY BK	

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543

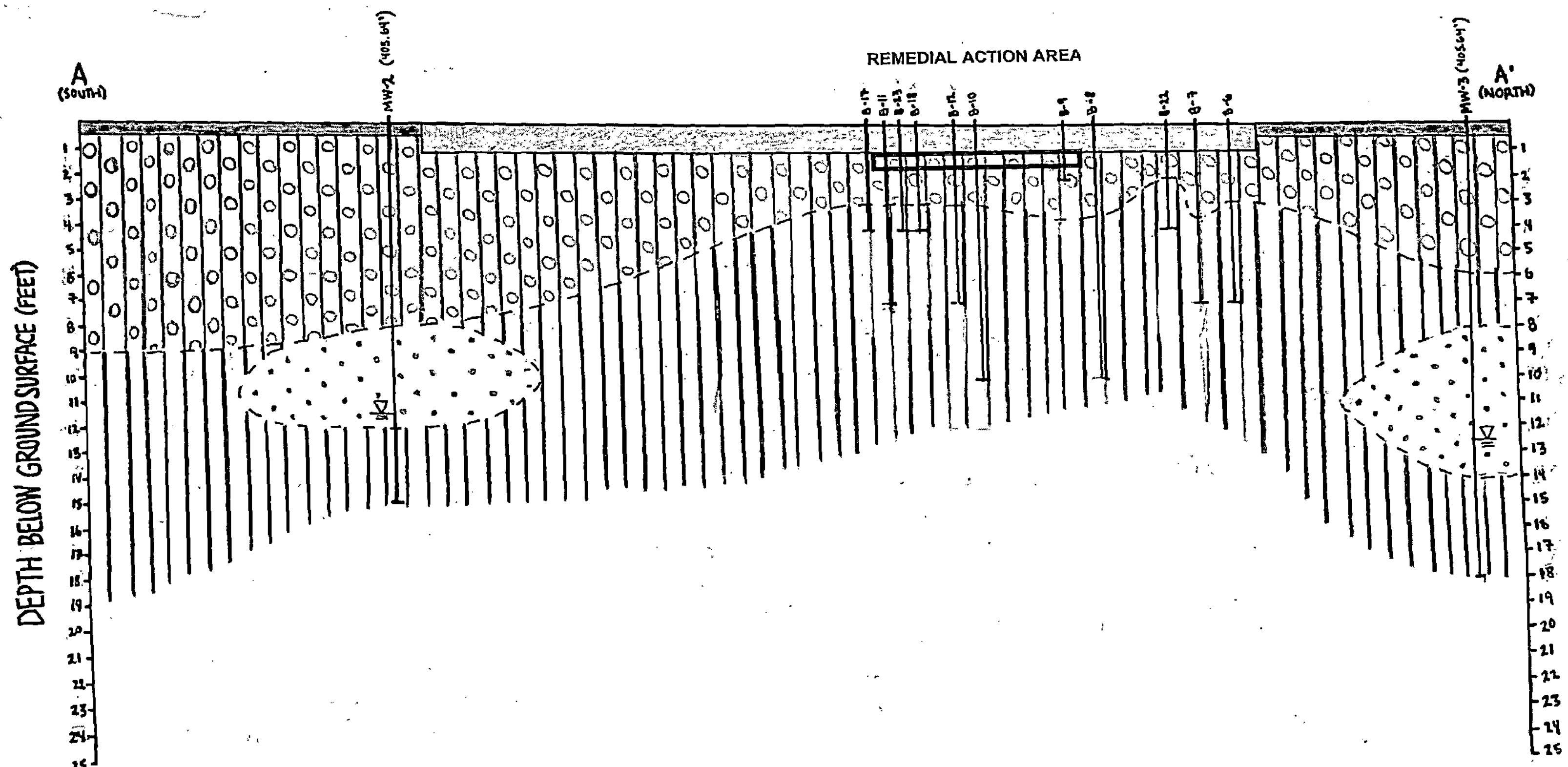


SAMPLE LOCATIONS AND CROSS SECTION TRANSECT

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWRI16001		DATE: 4/25/22	FIGURE 1
APPROVED BY: ES		DRAWN BY: BG	

ATLAS
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543



SILTY SAND (SM) - MEDIUM BROWN FINE SAND W/ GRAVEL

CONCRETE

GROUNDWATER LEVEL BASED ON 08/21/06 MEASUREMENTS (BUCHANAN 2006)

SANDY SILT (ML) - OLIVE BROWN SILT W/ SAND

ASPHALT

MEDIUM-COARSE SAND (SP) - BROWN SAND

(405.64) TOC ELEVATION (FT.) (BUCHANAN 2006)

APPROXIMATE VERTICAL SCALE: 1" = 4'

APPROXIMATE HORIZONTAL SCALE: 1" = 10'

GEOLOGIC CROSS SECTION A-A'

FORMER HARBOUR POINTE CLEANERS

13619 MUKILTEO SPEEDWAY

LYNWOOD, WA

FIGURE 2

EXHIBIT D

SUBORDINATION AGREEMENT

AFTER RECORDING, RETURN TO:

_____
_____
_____

SUBORDINATION AGREEMENT

REFERENCE NUMBER(S) OF RELATED DOCUMENT(S):	_____
GRANTOR:	SOLERA NATIONAL BANK
GRANTEES:	B33 MUKILTEO LLC; STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
ABBREVIATED LEGAL DESCRIPTION:	Lot 2 BLA 2016-004-04 Rec 201706220310 (See Page A-1 for full legal description)
ASSESSOR'S TAX PARCEL NOS.:	003733 008 010 03

SUBORDINATION AGREEMENT

KNOW ALL PERSONS, That SOLERA NATIONAL BANK, the owner and holder of that certain Deed of Trust bearing the date the October 30, 2019, executed by Andy S. Chien, Managing Principal of Bridge33 Capital LLC, Managing Member of Bridge33 Properties III LLC, Manager of B33 Mukilteo LLC, a Washington limited liability company, and recorded in the office of the County Auditor of Snohomish County, State of Washington, on November 5, 2019, under Auditor's File Number 201911050116, does hereby agree that said Instrument shall be subordinate to the interest of the State of Washington, Department of Ecology, under the environmental (restrictive) covenant dated _____, executed by B33 MUKILTEO LLC, and recorded in Snohomish County, Washington under Auditor's File Number _____.

EXECUTED 11 day of December, 2020.

"GRANTOR" SOLERA NATIONAL BANK

By: _____
Name: Martin P. May
Its: President & CEO

STATE OF COLORADO)
) ss.
COUNTY OF Jefferson)

On this 11 day of December, 2020 I certify that Martin P. May personally appeared before me, acknowledged that **he/she** is the President & CEO of SOLERA NATIONAL BANK that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of SOLERA NATIONAL BANK, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for SOLERA NATIONAL BANK.

_____
Notary Public in and for the State of Colorado
Residing at 3/9 S Sheridan Blvd.
My appointment expires 6.17.2021

DAVID P MELTON
Notary Public
State of Colorado
Notary ID # 20014013988
My Commission Expires 06-17-2021

DAVID P MELTON
Notary Public
State of Colorado
Notary ID # 20014013988
My Commission Expires 06-17-2021

Exhibit A

LEGAL DESCRIPTION

Lot 2, Snohomish County Boundary Line Adjustment No. 2016-004-04, recorded June 22, 2017 under Recording Numbers 201706220310 and 201706225002.

EXHIBIT E

OPERATIONS AND MAINTENANCE PLAN AND ANNUAL INSPECTION FORM

Concrete Floor Slab and HVAC/Ventilation System

Environmental Covenant

Former Harbour Pointe Cleaners Lynnwood (Facility Site ID 41352598)

Suite B6, Mukilteo Speedway Center
13619 Mukilteo Speedway
Lynnwood, Washington 98087
Washington State Department of Ecology Facility ID: 41352598
Washington State Department of Ecology Voluntary Cleanup Program No. NW2902
ATC PROJECT NO. 282 EM 0017 / NPWRI 18001

Prepared by:

ATC Group Services, LLC
6347 Seaview Avenue NW
Seattle, Washington 98107
(206) 781-1449

On behalf of:

Mr. Charles Gurney
Weingarten Realty Investors
2600 Citadel Plaza Drive, Suite 300
Houston, Texas 77008

RE: Operations and Maintenance Plan Overview

Mukilteo Speedway Center - Harbour Point Cleaners
13619 Mukilteo Speedway
Lynnwood, Washington

Summary

Operations and maintenance (O&M) for the Harbour Point Cleaners tenant space and the adjacent-west tenant space (site) at the Mukilteo Speedway Center at 13619 Mukilteo Speedway, in Lynnwood, Washington. Chlorinated volatile organic compounds (cVOCs) have been detected in shallow soils associated with a release from dry cleaning activities within the Harbour Point Cleaners tenant space. The purpose of the work is to monitor indoor air and assess potential exposure of sub-slab shallow soil to air/water in accordance with the Environmental Covenant for the Site.

Scope of Services

In order to assess system performance over time, perform annual O&M visits. The former Harbor Point Cleaners and adjacent tenant space will both be inspected. O&M of the Site will consist of annual visits to inspect and confirm any of the following potential changes since the prior annual inspection. Overall use and condition will be assessed. Specifically, floor slab condition, the HVAC system, possible new utilities (that break the floor). The assessment will also include an interview with any persons with knowledge of the Site, such as a building manager or tenant(s).

Specific items inspected will include:

- Modifications to the facility
- New floor penetrations
- New cracks larger than ¼ inch in width
- Repairs made to floor slab over the past year
- Leaks of water from building roof drainage or storm water drainage piping
- Leaks of water from piping associated with building plumbing
- If the HVAC/Ventilation system is/has been operational?
- Water infiltration through shallow soil.

Reporting Requirements

** The Annual O&M Inspection Summary will be reported to the Washington State Department of Ecology by December 31st of each year while the Environmental Covenant is in effect.

** A summary of the results of five years will be provided in a Five-Year Summary Report.

**Sub-slab, Indoor Air, Outdoor Air sampling:

A full set of sub-slab, indoor air and outdoor air sampling shall be conducted the first winter and reported (year 1), and conducted and reported year 5. If the results are significantly greater than the 2018 and 2019 samples, then a second round of sampling will be conducted at year 3.

This **Annual Inspection Summary Report Form** may be used to document the inspections required under the Environmental Covenant for the properties identified above and described in the O&M Plan. Fill out each item listed below and submit to the Washington State Department of Ecology at the following address:

Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

INSPECTION CHECKLIST

Circle yes or no for each inspection item. If you answer yes, please describe the reason for your answer in the space provided. Use the back of the form or a separate sheet of paper if you need more room.

1. Have there been any modifications to the facility during the past year? Yes or No?
   If "Yes," please describe:

2. Have there been any new floor penetrations during the past year? Yes or No?
   If "Yes," please describe:

3. Have any new cracks larger than ¼ inch in width been observed during the past year?
   Yes or No? If "Yes," please describe:

4. Have any repairs been made to floor slab over the past year? Yes or No?
   If "Yes," please describe:

5. Have any leaks of water from building roof drainage or storm water drainage piping been observed over the past year? Yes or No? If "Yes," please describe:

6. Have any leaks of water from piping associated with building plumbing been observed over the past year? Yes or No? If "Yes," please describe:

7. Is the HVAC/Ventilation system operational? Yes or No? If "No", please describe:

   If "No," when will it be operational?

8. Is there evidence of water infiltration through shallow impacted soil? Yes or No?
   If "Yes," please describe:

A. This Annual Inspection Summary is due to the Washington State Department of Ecology by December 31st of each year while the Environmental Covenant is in effect.

B. Every five years on December 31st a Summary report of the prior five years is also due to the Washington State Department of Ecology.

C. At year 1 and year 5 a full set of sub-slab, indoor air and outdoor air sampling shall be conducted (winter) and reported. If the results are significantly greater than the 2018 and 2019 samples, then a second round of sampling will be conducted at year 3.

For questions about this Annual Inspection Summary Form, contact Atlas at 206-781-1449. If Atlas is no longer the lead consultant, please contact the Environmental Covenants Coordinator of the Washington State Department of Ecology Toxics Cleanup Program at (360) 407-7170.

EXHIBIT F

CONTINGENCY PLAN

DATE: _____

RE: Contingency Plan

Former Harbour Point Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington 98087

Washington State Department of Ecology Facility ID: 41352598, Washington State Department of Ecology Voluntary Cleanup Program No. NW2902

PURPOSE

The purpose of the Contingency Plan is to summarize potential contingency actions that may be performed in the event that a triggering condition is observed at the Former Harbour Point Cleaners Site at 13619 Mukilteo Speedway in Lynnwood, Washington (Site).

This Contingency Plan is being provided as a required component of the Environmental Covenant for the Site being granted under the Washington Department of Ecology (Ecology) Voluntary Cleanup Program (VCP). The VCP Site Number is NW2902.

Soil beneath the Site in the areas indicated on **Exhibit C** is impacted with PCE and TCE at concentrations that exceed the Model Toxics Control Act Regulation (WAC 173-340) Method A Soil Cleanup Levels for Unrestricted Land Uses. Those impacts are located beneath a competent concrete slab and indoor air quality at the Site has been demonstrated to comply with a remediation level protective of the commercial worker scenario, which is the most restrictive current and possible future reasonable maximum exposure.

The Environmental Covenant requires that the floor slab remain in place and that it is inspected on a periodic basis and the results of those inspections reported to Ecology. This Contingency Plan presents potential actions that may be implemented if a condition is triggered that suggests that the floor slab is no longer sufficiently protective of indoor air quality.

CONDITIONS THAT MAY TRIGGER A CONTINGENCY ACTION

Conditions that may trigger a contingency action include, but may not be limited to:

- Deterioration of the floor slab
- Lease space improvements that include penetration of the floor slab
- Odors within the lease space indicating the potential intrusion of vapors
- Indoor air testing results that suggest potential vapor intrusion.

CONTINGENCY ACTIONS

Contingency actions that may be implemented include, but may not be limited to the following conditions and responses:

1. Deterioration of the floor slab or apparent PCE-related odors within the Site lease space will trigger additional sampling of sub-slab vapors, indoor air and background air quality. If results indicate that indoor air quality exceeds an allowable commercial worker scenario, then the following will be evaluated and/or implemented:

    - Repair and resealing of the floor slab
    - Improvements to heating ventilation and air condition (HVAC) systems
    - Installation of a sub-slab depressurization system, or
    - Other appropriate methods based on the available data.

2. Lease space improvements that require penetration of the floor slab may include the following:

    - Removal of readily accessible contaminated soil within the pre-planned limits of excavation for improvements.
    - Proper handling and disposal of PCE-impacted soils in accordance with Washington Dangerous Waste Regulations (WAC 173-303) and applicable Ecology policies.

The two types of contingent responses presented above address each of the potential conditions that could trigger a contingent action. Prior to implementing a contingent action, other than an emergency action, Ecology will be notified of the condition that has triggered the contingency. Implementation of actions such as installation of a sub-slab depressurization system may require the preparation of a formal Work Plan and the performance of pilot tests prior to the preparation of an Engineering Design Report. All such work plans, test results, and Engineering Design Reports will be provided to Ecology.

3. In the event that floor slab deterioration or breach may have exposed shallow soil to water infiltration, an assessment of the potential for impacts to groundwater will also be performed. If groundwater impacts have potentially occurred, a plan to assess groundwater will be prepared and provided to Ecology.

DATE: _____

RE: Contingency Plan

Former Harbour Point Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington 98087

Washington State Department of Ecology Facility ID: 41352598, Washington State Department of Ecology Voluntary Cleanup Program No. NW2902

This Contingency Plan has been prepared to present potential actions that may be implemented if a condition is triggered that suggests that the floor slab is no longer sufficiently protective of indoor air quality at the Harbour Point Cleaners tenant space and the adjacent-west tenant space (site) at the Mukilteo Speedway Center at 13619 Mukilteo Speedway, in Lynnwood, Washington.

The scope of work was prepared to supplement the Environmental Covenant which requires that the floor slab remain in place and that it is inspected on a periodic basis and that the results of those inspections are reported to Ecology.

Prior to implementing a contingency action, other than an emergency action, Ecology will be notified of the condition that has triggered the contingency. Implementation of actions such as installation of a sub-slab depressurization system may require the preparation of a formal Work Plan and the performance of pilot tests prior to the preparation of an Engineering Design Report. All such work plans, test results, and Engineering Design Reports will be provided to Ecology.

Conditions that may trigger a contingency action include, but may not be limited to:

- Deterioration of the floor slab
- Lease space improvements that include penetration of the floor slab
- Odors within the lease space indicating the potential intrusion of vapors
- Indoor air testing results that suggest potential vapor intrusion.

The scope of work is described below.

Project Preparation, Site Safety Plan and Utilities Clearance

Prior to commencing the field activities, a site-specific health and safety plan (HASP) will be prepared for the site. The HASP will be used by members of the project team, all of whom have completed 40 hours of Hazardous Waste Site Operations training and 8 hour refresher courses as outlined in Title 29, Part 1910.120 of the Code of Federal regulations (29 CFR 1910.120). The HASP will provide health and safety guidelines for the removal activities, and will address key safety issues and potential hazards associated with the project. The plan will describe the scope of work, specify the appropriate personal protective equipment (PPE), discuss emergency procedures and contacts, list project team-member responsibilities, and outline work zones and decontamination procedures to be used during this project.

All personnel and any hired subcontractors will be required to read and sign the plan prior to beginning work to acknowledge they understand the contents of the plan and will abide by it. All personnel and subcontractors that enter the work areas will be equipped with the minimum PPE specified by the HASP (Level D - hard hats and steel toe shoes at a minimum), and will be required to sign the acknowledgment form. Following preparation of the HASP, staff will mobilize to the site to initiate field activities.

Deterioration of the Floor Slab or Apparent Vapors

Deterioration of the floor slab or apparent PCE-related odors within the Site lease space will trigger additional sampling of sub-slab vapors, indoor air and background air quality.

Soil Vapor Assessment

The scope of work will include the collection of five (5) sub-slab soil vapor samples from the five existing (5) soil vapor probes, designated SV-1 through SV-5 installed within the slab of the dry cleaning tenant space. Prior to the collection of each sample, each temporary soil vapor probe will be purged to remove internal air from the sample train through a low flow pump or a dedicated Summa™-type canister. To assess the potential for and to prevent short-circuiting with ambient air ATC will perform shut-in and leak testing. The leak testing will be performed with the introduction of 1,1- DFA or an equivalent leak detection VOC onto sample train fittings at each sample location. Following the purge, soil vapor samples will be collected in 1-liter (L) batch-certified Summa canisters at an approximate collection rate of approximately 50 milliliters per minute (ml/min). The soil vapor samples will be analyzed by an Ecology approved laboratory for VOCs by EPA.

Indoor and Ambient (Background) Air Sample Collection

The scope of work will include the collection of an 8-hour indoor ambient air sample from within the former Harbour Point dry cleaning facility, an 8-hour indoor ambient air sample from within the west-adjacent tenant space, and of up to three outdoor air samples. If results indicate that indoor air quality exceeds an allowable commercial worker scenario, then the following will be evaluated and/or implemented:

- Repair and resealing of the floor slab
- Improvements to heating ventilation and air condition (HVAC) systems
- Installation of a sub-slab depressurization system, or
- Other appropriate methods based on the available data.

Lease space improvements that include penetration of the floor slab

If lease space improvements require penetration of the floor slab, and this includes the removal of readily accessible contaminated soil within the pre-planned limits of excavation for improvements, the following will be implemented:

A Washington State Licensed field scientist will be onsite to observe the excavation activities and subsurface, and to collect soil samples in the area of the previously identified impacts, or any areas that may be impacted based on field observations. A detailed log of the subsurface lithologic conditions will be maintained and a photoionization detector (PID) will be used to screen the soils for organic vapors. Soils will also be screened using observations to determine the potential for soil impacts by PCE. The soils will be classified in accordance with the Unified Soil Classification System (USCS).

Groundwater Assessment and Potential Sampling

If potential water infiltration through shallow soil has occurred, then a plan to assess groundwater will be prepared. The plan will include, but not be limited to, collection of groundwater sample(s) for PCE and TCE.

Proper handling and disposal of PCE-impacted soils

If lease space improvements require handling and disposal of PCE-impacted soils, they will be disposed in accordance with Washington Dangerous Waste Regulations (WAC 173-303) and applicable Ecology policies. The soil analytical data will be compared to the Ecology MTCA Cleanup Levels. Soil not determined to be "clean" will be transported to a licensed disposal facility. The facility specific standards will be used for comparison and categorization.

Required documentation from the selected disposal facility including manifesting and waste profiles will be reviewed and processed. The selected landfill may require additional analysis to approve the profile.

Exhibit G

MAY 31, 2019 ECOLOGY OPINION LETTER

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

May 31, 2019

Elisabeth Silver
ATC Group Services LLC
6347 Seaview Avenue NW
Seattle, WA 98107

Re: Opinion on Proposed Cleanup of the following Site:

- **Site Name:** Harbour Pointe Cleaners Lynnwood
- **Site Address:** 13619 Mukilteo Speedway, Lynnwood, WA 98037
- **Facility/Site No.:** 41352598
- **Cleanup Site ID No.:** 12413
- **VCP Project No.:** NW2902

Dear Elisabeth Silver:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the **Harbour Pointe Cleaners Lynnwood** facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Upon completion of the proposed cleanup, will further remedial action likely be necessary to clean up contamination at the Site?

NO. Ecology has determined that, upon completion of your proposed cleanup, and establishment of an Environmental Covenant, no further remedial action will likely be necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following release:

- Tetrachloroethylene (PCE) and Trichloroethene (TCE) into the Soil.
- PCE and TCE into the Soil Gas.
- PCE and TCE into the Indoor Air.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. ATC Group Services, *Cold Weather Sampling Event Report, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington,* dated March 4, 2019.
2. ATC Group Services, *Cleanup Action Report, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington,* dated October 15, 2018.
3. ATC, *Survey of potential Sources of Indoor Air PCE/TCE Impact, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington,* March 15, 2018.
4. ATC, *Initial Operations and Maintenance Report, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington,* May 2, 2017.
5. Washington Department of Ecology, *Opinion on Feasibility Study with Disproportionate Cost Analysis, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington,* dated April 4, 2016.

6. CARDNO ATC, *Feasibility Study with Disproportionate Cost Analysis, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington,* dated September 17, 2015.

7. Washington Department of Ecology, *Opinion on Limited Subsurface Investigation, Speedway Shopping Center-Harbour Pointe Cleaners, 13632 Highway 99, Lynnwood, Washington,* dated October 17, 2014.

8. CARDNO ATC, *Limited Subsurface Investigation, Speedway Shopping Center-Harbour Pointe Cleaners, 13632 Highway 99, Lynnwood, Washington,* dated April 3, 2014.

9. EBI Consulting, *Phase II Environmental Site Assessment, Speedway Shopping Center, 13632 Highway 99, Lynnwood, Washington,* dated March 18, 2013.

10. Buchanan Environmental Associates, *Mukilteo Speedway Center Limited Phase II Environmental Site Assessment, 13619 Mukilteo Speedway, Lynnwood, Washington,* dated September 6, 2006.

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by completing a Request for Public Record form (https://www.ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests) and emailing it to PublicRecordsOfficer@ecy.wa.gov, or contacting the Public Records Officer at 360-407-6040. A number of these documents are accessible in electronic form from the Site web page (https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=12413).

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that, upon completion of your proposed cleanup, **no further remedial action** will likely be necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A.**

PCE was detected in soil and soil gas at concentrations exceeding the MTCA Method A and Method B cleanup level for direct contact. The PCE-impacted soil is present below the Harbour Point Cleaners tenant space, and extends to the west under the adjacent tenant space. The maximum vertical extent is approximately 3 feet below ground surface (bgs). TCE was detected in soil gas at concentrations just below the MTCA Method B screening level. Site investigations also demonstrated that ground water is not impacted; therefore, no soil-to-ground water pathway is present.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

Soil:

The Site is located in a mixed commercial and residential area. Soil cleanup levels suitable for unrestricted land uses are therefore applicable to this Site. For unrestricted land use, through protection of direct contact, and protection of leaching to groundwater, either Method A or Method B cleanup levels can be used. MTCA Method A cleanup levels for unrestricted land uses were selected. Method A cleanup levels for soil were established based on direct contact and the protection of ground water.

The following potential exposure/risk pathways were appropriate to consider:

- Human health protection from direct soil contact pathway exposure
- Human health protection from soil-to-air pathway exposure
- Terrestrial ecological protection

Soil cleanup levels protective of terrestrial ecological receptors are not applicable for this Site, based on the exclusion relating to proximity of undeveloped land in accordance with WAC 173-340-7491(1)(c)(i). There are less than 1.5 contiguous acres of undeveloped land on or within 500 feet of any part of the Site.

For soil cleanup levels based on the protection of ground water, the point of compliance is defined as Site-wide throughout the soil profile and may extend below the water table. This is the appropriate point of compliance for the Site.

Groundwater:

Groundwater below the Site is considered potable. The following potential exposure/risk pathways were appropriate to consider:

- Human health protection from drinking groundwater pathway exposure
- Human health protection from vapor intrusion from groundwater to indoor air pathway

For groundwater cleanup levels based on drinking water, the point of compliance is defined as throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site. This is the appropriate point of compliance for the Site.

Air:

Cleanup levels for air are based on protection of human health. MTCA Method B indoor air cleanup levels are the appropriate choice (MTCA Method A values do not exist).

Point of Compliance: The standard point of compliance for air is in ambient and indoor air throughout the Site.

3. Selection of cleanup action.

Ecology has determined the cleanup action you proposed for the Site and documented in the Feasibility Study (FS) meets the substantive requirements of MTCA.

The selected cleanup action consisted of the following:

- Soil vapor extraction was implemented through the operation of a sub-slab depressurization system (SSD system). The SSD system consists of 40 polyvinyl chloride riser pipes plumbed vertically from the sub-slab to a blower mounted to the building roof. The effluent air is discharged from the blower. Once the SSD system was in operation, quarterly indoor air samples were obtained and analyzed to determine the effectiveness of the system. Operation of the SSD system commenced January 2017 and continued through June 2018.
- The former dry cleaners space (which is no longer operating) was cleaned in June 2018, and additional sub-slab, indoor and outdoor air sampling and analysis was conducted in July 2018. Decommissioning of the dry cleaner space included removal of all above-ground features, including the dry cleaning machine, spot cleaning and pressing table, containers of spot cleaners, dry cleaning solvents,

waste filters, and spend solvent wastes. Ventilation system ductwork and sections of stained wallboard were also removed from the Site.

- Indoor air quality needed to be further assessed to critique the current, post-remediation site conditions, absent the influence of the SSD system operation. As a result, sub-slab, ambient and indoor air sampling and analysis activities were performed in July 2018 and January 2019.
- The additional data gathered was evaluated in accordance with Ecology's Draft ***Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action,*** revised April 2018, for assessing and addressing soil vapor issues.
- The following are actions Ecology has taken to supplement portions of the Ecology draft Vapor Intrusion (VI) guidance. The major changes include:

  - Updated and revised VI screening levels. The cleanup and screening levels in Appendix B in the 2009 guidance were outdated and have been replaced by Ecology's Cleanup Levels and Risk Calculation (CLARC) VI data tables. The CLARC VI table values are based toxicity data that were current as of April 2015 and also use attenuation factors for determining sub-slab soil gas and ground water screening levels that are consistent with EPA's recommendations.

  - Issued new guidance related to VI evaluation. See Implementation Memorandum No. 18 entitled: "*Petroleum Vapor Intrusion (PVI) Updated Screening Levels, Cleanup Levels and Sampling Considerations*". The memo proposes a generic Method B TPH indoor air cleanup level, addresses the requirement to account for the additive effects of the compounds present in petroleum mixtures, and provides recommendations for assessing the potential threat of VI on future buildings.

  - Issued Implementation Memorandum No. 21 entitled: "*Frequently Asked Questions (FAQs) Regarding Vapor Intrusion (VI) and Ecology's 2009 Draft VI Guidance.*" This implementation memo answers a number of questions on whether specific portions of Ecology's 2009 Draft Vapor Intrusion (VI) Guidance are still applicable. Most of these questions address technical or policy changes that have occurred since the draft guidance was issued.

- Issued DRAFT Implementation Memorandum No. 22 entitled *Vapor Intrusion (VI) Investigations and Short-term Trichloroethene (TCE) Toxicity."*

- TCE air cleanup levels were calculated based on the risk of health effects following chronic (many year) exposures. TCE, through a different mechanism of action, also presents health risks to developing fetuses following acute (≤3 week) exposures. A combination of expedited site characterization, public outreach, mitigation, and interim remedial action may be necessary to protect against these acute health risks. Ecology guidance on this issue is available in draft form at: https://fortress.wa.gov/ecy/publications/SummaryPages/1809047.html

Specifically, this memorandum provides recommendations pertaining to cleanup site contaminated with trichloroethene (TCE):

- Provides indoor air action levels that are protective of short-term exposures to TCE.

- Provides the default (non-site-specific) subsurface vapor intrusion (VI) screening levels that are protective of the short-term indoor air TCE action levels.

- Identifies options for effectively and rapidly responding to those situations where TCE concentrations caused by VI in indoor air are above action levels.

- Establishes the commitment by Ecology's Toxics Cleanup Program (TCP) to keep indoor air TCE concentrations (caused by VI) below short-term action levels at MTCA cleanup sites in Washington State.

- Provides guidance and recommendations for those scenarios where a) VI-caused TCE indoor air concentrations exceed, or may exceed, the short-term action levels, and b) the building being investigated is regularly occupied by female residents or workers of childbearing age.

- A limited, well-defined volume of PCE-contaminated soil remains under the building. The concrete floor in the tenant space prevents direct access to the impacted soil and leaching to groundwater. The results of the vapor intrusion assessment demonstrate that the floor also prevents soil vapors from entering the building. The Property needs an environmental covenant (EC) to manage the

contaminated soil and the potential for vapor intrusion if the building is removed or remodeled in the future. Future vapor assessment considerations will be required under the EC, if a new building is constructed on the Property, and to also assess commercial buildings in the vicinity of the Property.

- Future vapor assessment considerations include: vapor intrusion pathway potential if a new building is constructed on the Property, and vapor intrusion pathway potential to commercial buildings in the vicinity of the Property.
- The final Cleanup Action Report (CAR) and a draft EC will be the next submittal to Ecology. As discussed at the Ecology/consultant/owner meeting held by phone April 10, 2019 the following specifics will be provided in the next submittal:
  - Please include the "Chronological Vapor Intrusion Data Evaluation Table (**Enclosure B** to this letter) that was prepared by Ecology and utilized for discussion purposes for the 4/10/2019 meeting.
  - MTCA Method C VI soil screening levels may be used to evaluate whether commercial workers at the Property are sufficiently protected under current conditions, but MTCA Method C VI soil gas screening levels must be used to evaluate whether the VI pathway is complete. For TCE, the commercial/industrial action level may be used to evaluate whether women of child-bearing age are sufficiently protected under current conditions.
  - In July 2018, TCE at the Site exceeded the soil vapor screening level by 33 percent, but the laboratory report limit (RL) for indoor air was too high to make a conclusion. In January 2019, the soil vapor had decreased below the screening level and the detection in indoor air was slightly below the screening level. The building heating, ventilation and cooling (HVAC) system was not turned on for the January 2019 sampling event, as the piping and equipment had been removed during the summer after the tenant had vacated the Site. Since the intent was to sample and gather data during a cold-weather VI sampling event, which is expected to be conducted with the HVAC system on, please explain why the data gaps do not compromise the Site qualification for a No Further Action (NFA) opinion.
  - A discussion needs to be added to the final report about the benzene exceedances of the MTCA Method B CUL in indoor air. The CUL of 13.7 ug/m3 reported in Table 1 is for noncancer health effects, but the CUL of 0.32 ug/m3 for cancer effects must be used. The 2019 indoor air concentrations are similar to or below the 2019 outdoor air concentrations, suggesting that the source of benzene is not vapor intrusion. Furthermore, the 2018 and 2019 benzene concentrations in indoor air are consistent with

typical indoor air concentrations (reference). Therefore, benzene does not need to be selected as a COC for indoor air. Ecology provided you with several resources to aid in the discussion.

- Please document that TCE exceeded its air CUL at OA-3 near the service station. The exceedance suggests an outside source of TCE unrelated to Site VI.
- MTCA Method B and C values for indoor and outdoor air are cleanup levels. They are not screening levels. Please correct Table 1.
- Ensure that all tables report detection limits rather than the symbol "ND" for non-detected results.
- The updated CAR will include the information presented in the October 15, 2018 report, the March 19, 2019 submittal, and the additional data and technical rational which were not presented in the reports, along with the above specifics which were discussed at the April 10, 2019 meeting.

Remedial action assessment.

Once cleanup has been completed, the project will need completion of a final CAR, which summarizes all work conducted at the Site as well as results, interpretations, and conclusions. In the meeting held April 10, 2019, it was agreed that the CAR submittal dated October 15, 2018, the Cold Weather Sampling Event Report dated March 19, 2019, and the addendum of additional data and interpretation (in process of being prepared) would be reissued to Ecology as a final CAR document. Once the CAR has been reviewed and concurred by Ecology, a final opinion can then be issued concerning the Site.

The selected cleanup action must meet applicable minimum requirements for cleanup actions stipulated in WAC 173-340-360: protect human health and the environment, comply with cleanup standards, use permanent solutions, and provide for reasonable restoration time frames.

4. **Other requirements.**

A draft Environmental Covenant (EC) must be prepared and submitted to Ecology in conjunction with the Final CAR for Ecology's consideration on a final NFA opinion for the Site.

Information on how to prepare an Environmental Covenant can be found in the Uniform Environmental Covenants Act (UECA), Chapter 64.70 RCW, and WAC 173-340-440 of

the Model Toxics Cleanup Act (MTCA) Cleanup Regulation).

Draft the covenant using the boilerplate document available on the VCP web site (https://fortress.wa.gov/ecy/publications/SummaryPages/1509054.html). Please note that any changes to the boilerplate language in the covenant must be approved by the Attorney General's Office.

The environmental covenant must include the following restrictions:

- The Property will remain in commercial use. If the Property becomes re-zoned for residential use, a vapor intrusion assessment must be conducted to determine whether conditions are protective of residential use.
- If the current building is demolished and removed, the residual contaminated soil below the building must be resampled. If the soil exceeds MTCA Method B cleanup levels, and it is removed during redevelopment of the Property, Ecology will consider a request to release the EC.
- If the current building is remodeled in any manner that could change vapor intrusion conditions, or if the HVAC system is altered, a new vapor intrusion assessment must be conducted.

Electronic submittal of all sampling data into Ecology's electronic *Environmental Information Management* (EIM) database is a requirement in order to receive a NFA opinion for this Site. Data from this Site have not yet been entered into the EIM database. Note that all data must be uploaded into the Ecology EIM system upon submission of each report to Ecology. This allows the Ecology Site Manager to access data to check results or perform additional analyses with those data. Erica Fot (email efot461@ecy.wa.gov, or via telephone at 360-407-6692) is Ecology's contact and resource on entering data into EIM.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion, please contact me by phone at 425.649-4422 or e-mail at gcar461@ecy.wa.gov.

Sincerely,

Glynis A. Carrosino
NWRO Toxics Cleanup Program

Enclosures (2): A – Description and Diagrams of the Site
B – Chronological Vapor Intrusion Data Evaluation

cc: Charles Gurney, Weingarten
Sonia Fernandez, Ecology NWRO VCP Coordinator

Enclosure A

Description and Diagrams of the Site

Site Description

This enclosure provides Ecology's understanding and interpretation of Site conditions and forms the basis for the opinions expressed in the letter.

Site Definition: The Site is defined by the extent of contamination due to releases to soil, soil gas and indoor air of tetrachloroethylene (PCE) and the related by-product trichloroethene (TCE) associated with 13619 Mukilteo Speedway in Lynnwood, Washington (the Property). The Property and the Site are shown on the attached Site diagrams **(Figures 1 - 7).**

Area Description: The Property is located in Snohomish County, at the Mukilteo Speedway Center, a shopping center located on six irregularly-shaped parcels encompassing a total of 7.80 acres of land. The Property is bordered to the west by the Mukilteo Speedway, (a four-lane highway), to the south by Lincoln Way, and to the east by and State Highway 99 **(Figure 1)**. The Property is bordered to the north by a residential development. The area comprises commercial businesses and industrial properties. The Snohomish County Assessor tax parcel number for the Property is 00373300801204, with a description of Township 28 North; Range 04 East; Section 34; NE Quarter of the NE Quarter. The Property coordinates are: Latitude 47.87393 degrees; Longitude -122.27674 degrees.

Property History and Current Use: The shopping center was built in 1992 and consists of four structures designated as Buildings A through D **(Figure 6)**. Harbour Pointe Cleaners is located in tenant space B6 in Building B within the Speedway Shopping Center, and operated as a dry cleaning facility at the Property since approximately 1992. Tenant space B6 has a main entrance off the Shopping Center parking lot, and a back door entrance behind the main structure. Between 1992 and 2007 the facility utilized the chlorinated volatile organic compound PCE in their dry cleaning operations. In 2007, the operators switched from PCE to a silicon-based dry cleaning solvent with a small amount of TCE added to prevent bonding to the machine. In 2018, the Harbour Pointe dry cleaners space was vacated, and is currently still not in use.

Contaminant Sources and History of Releases: The potential contaminant sources for this Site result from improper disposal of filters, waste, separator water, still bottoms, and solvent leaks from the dry cleaning machine and the waste collection vessels. It is possible that untreated separator water was disposed directly into the sanitary sewer system based on information presented in previous reports.

Storm Water/Surface Water: The nearest surface water body to the Site is Lake Serene, which is located approximately 2,000 feet to the southwest **(Figure x)**. The Site is covered by buildings and paved parking lots. Surface water runoff is collected by catch basins located in the parking lots and at the curbs of adjacent City streets.

Ecological Setting: There is little terrestrial habitat on or in the immediate vicinity of the Property. The area is developed as industrial and commercial properties. Most of the Site and the surrounding area are paved with asphalt and concrete, or covered by the building.

Geology: The Site is in the Puget Sound Lowland Physiographic Province. The Puget Lowland is underlain at depth by Tertiary volcanic and sedimentary bedrock, which has been covered to the present day land surface with Pleistocene-aged glacial and non-glacial sediments. Subsurface soil on the Site was generally characterized as fine-grained and consisting of brown to olive-brown silt with gravel and sand of strong induration to 13 feet below the ground surface (bgs) or shallower. Coarse-grained strata consisting of sand and gravel are present beneath the fine-grained sediments, followed below by dominantly fine-grained glacial till to 25 feet bgs, the maximum depth explored.

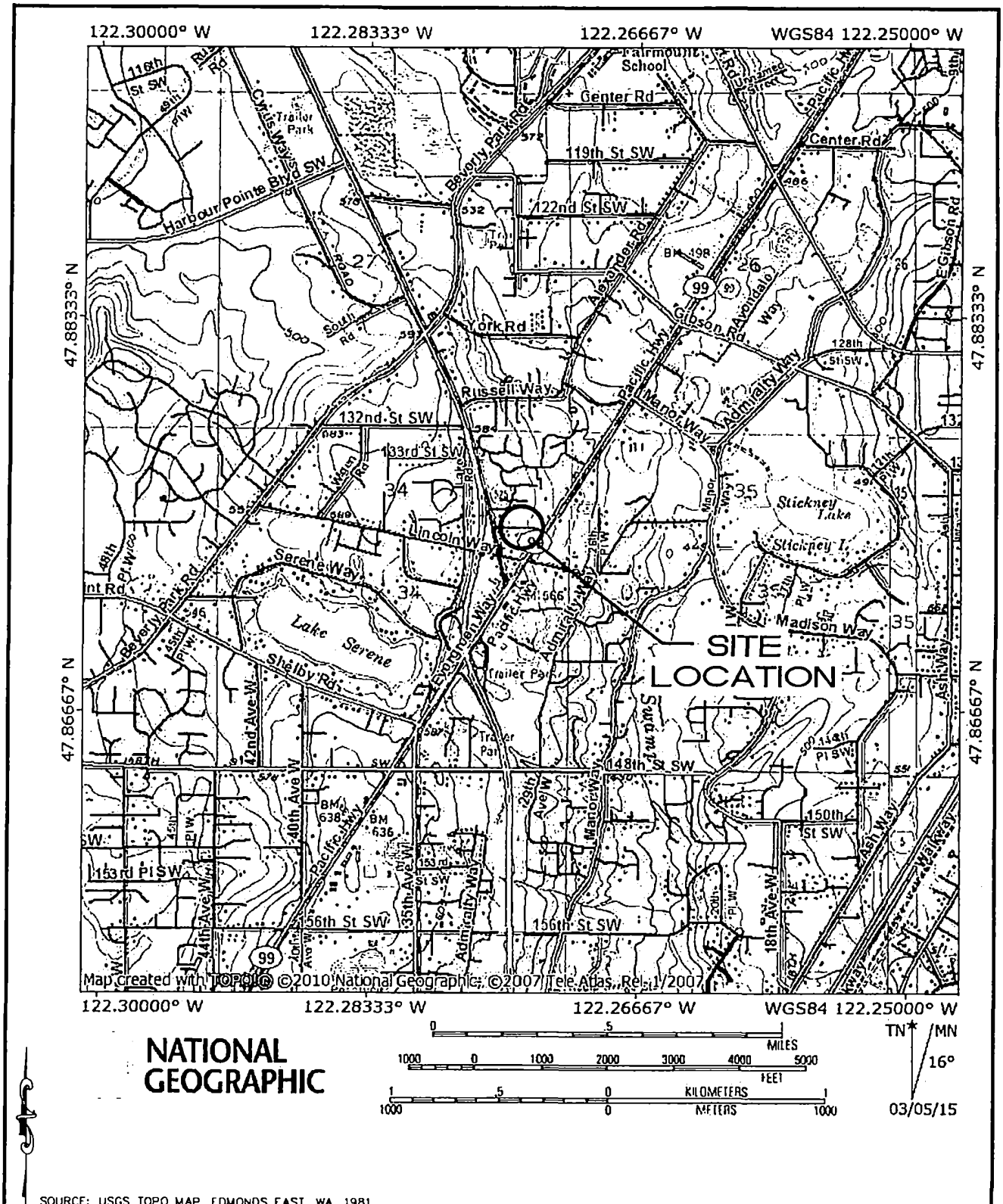
Ground Water: Subsurface investigations conducted in 2006 identified that ground water occurs at approximately 9 to 14 feet bgs and ground water flow is toward the east-northeast.

Release and Extent of Contamination – Soil: PCE and TCE are the known contaminants present in soil at the Site. There is evidence of a release of PCE to soil above the MTCA Method A cleanup level of 0.05 mg/kg in the western and eastern portions of the Site at a depth of the approximately 1 foot bgs. TCE was detected at concentrations below cleanup levels. The maximum vertical extent of PCE-impacted soil is approximately 3 feet below ground surface (bgs) based on the results of the subsurface investigation conducted in 2014 (**Figure 2 and 4**).

Release and Extent of Contamination – Soil Gas: PCE and TCE are the known contaminants present in soil gas at the Site. These COCs were detected in temporary sub-slab vapor samples VE-1, VE-2, and V-3 at concentrations above the MTCA Method B sub-slab soil gas screening levels (**Figure 7**).

Release and Extent of Contamination – Ground Water: Between June and August 2006, a total of five ground water monitoring wells were installed between 15 and 25 feet bgs, designated as MW-1 through MW-5 (see **Figure 5**). Laboratory results from ground water samples collected from the five monitoring wells identified the presence of TCE and 1,1-dichloroethane at concentrations below MTCA Method A cleanup levels. No other PCE degradation compounds have been detected in the ground water.

Site Diagrams



SOURCE: USGS TOPO MAP, EDMONDS EAST, WA, 1981

SITE LOCATION MAP

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: 282EM00166		DATE: 11/10/16	FIGURE
APPROVED BY: SP		DRAWN BY. BK	1

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543

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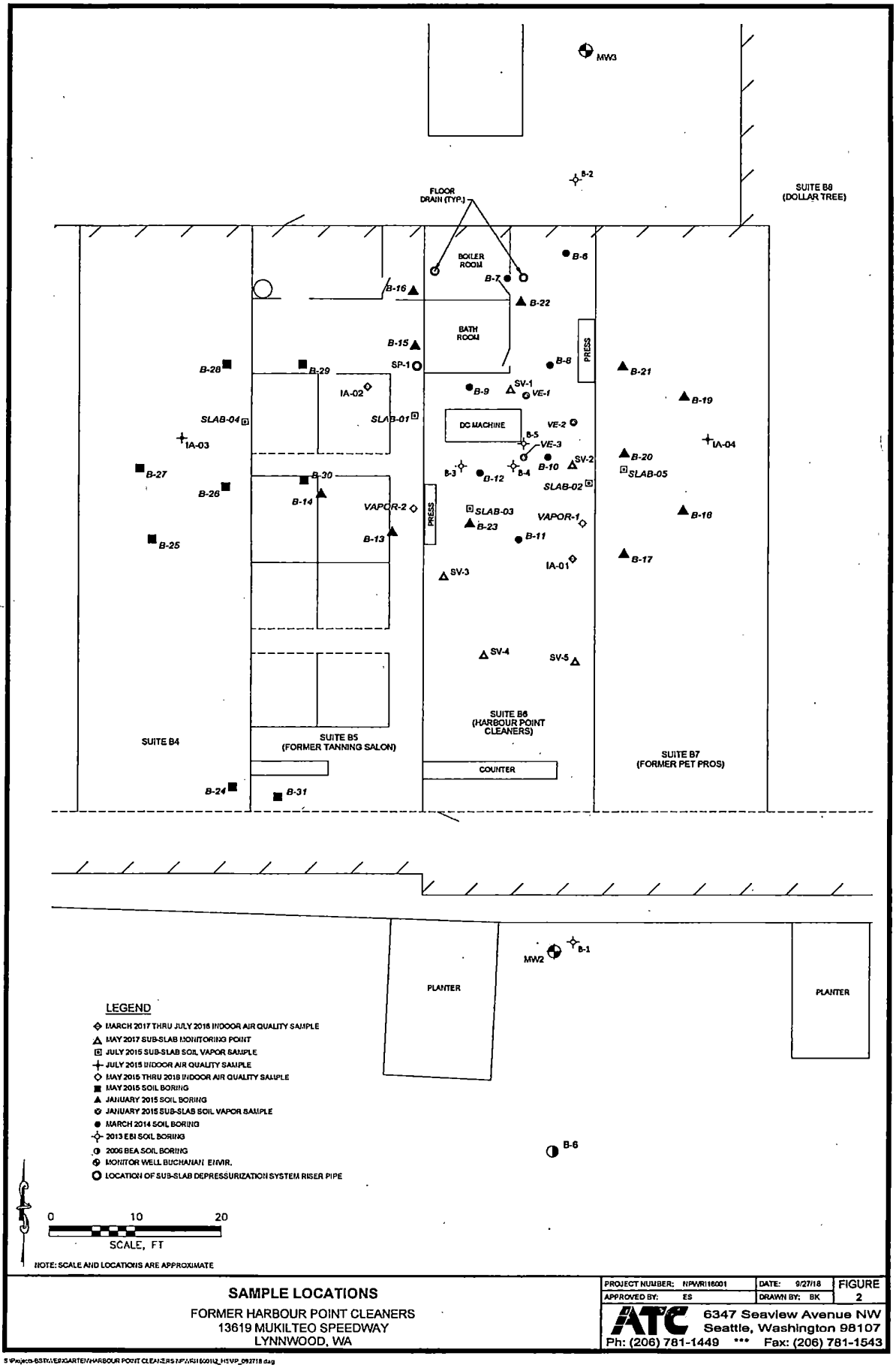

SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWR116001		DATE: 9/27/18	FIGURE 2
APPROVED BY: ES		DRAWN BY: BK	

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543

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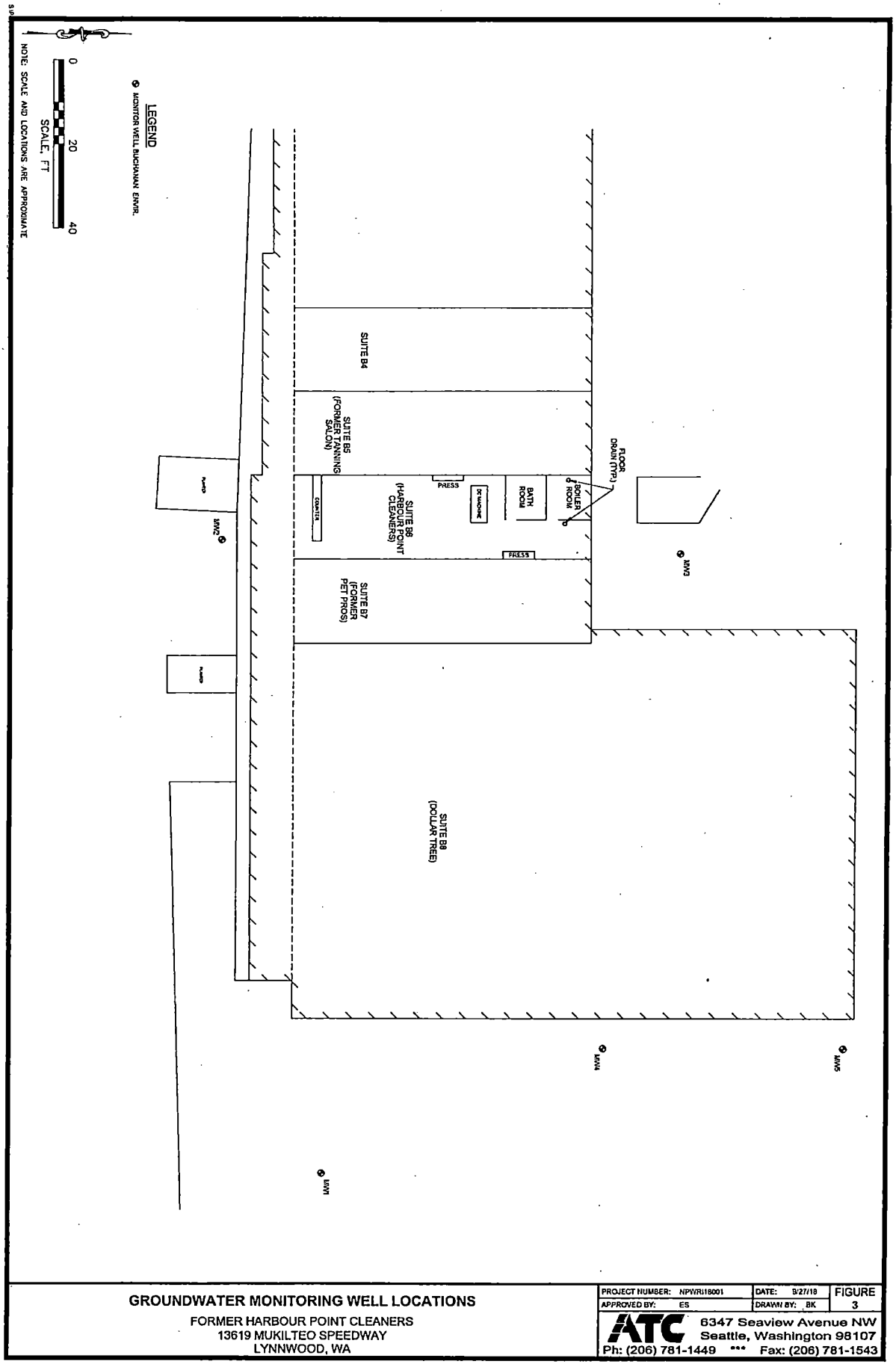
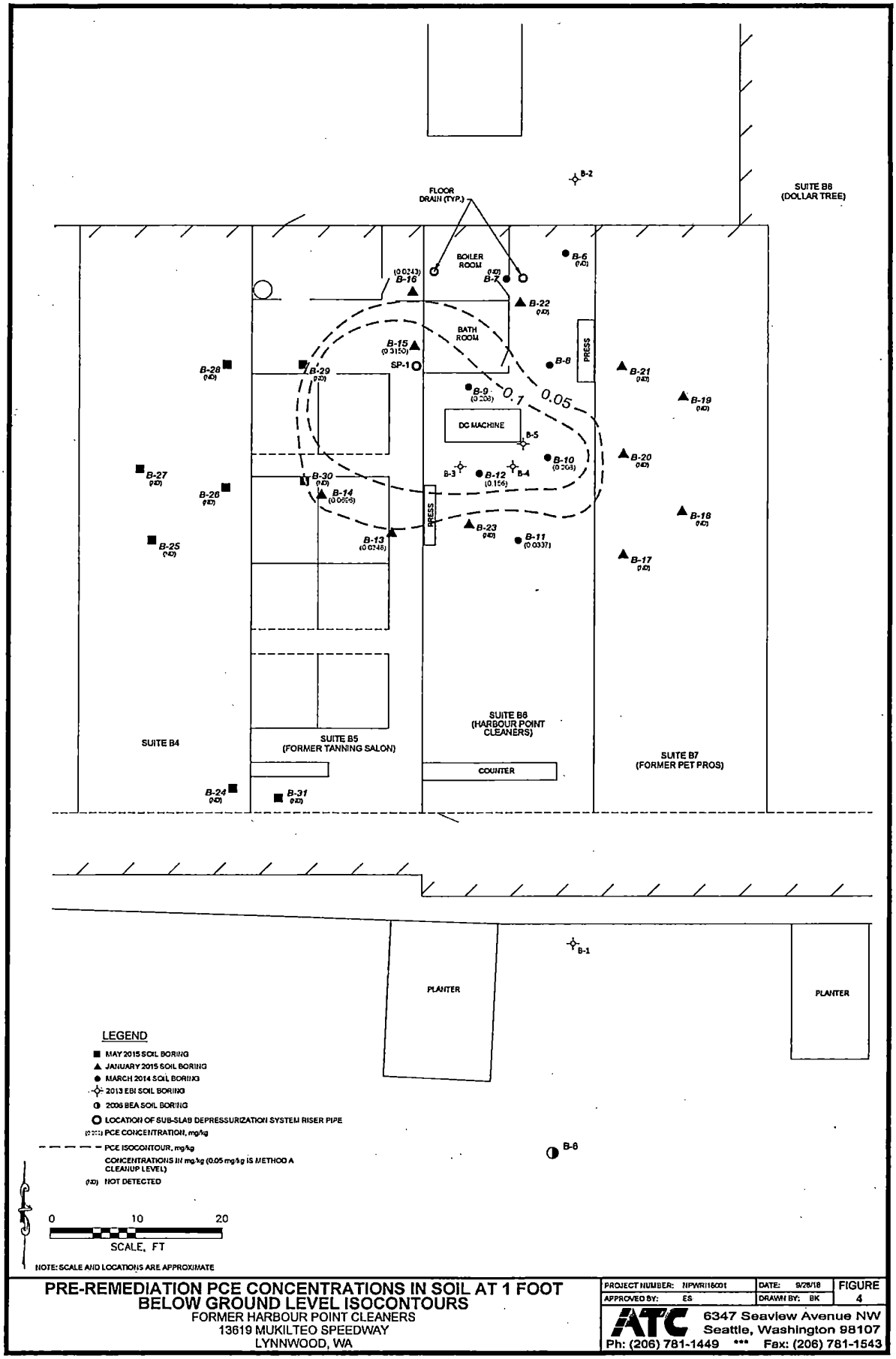


GROUNDWATER MONITORING WELL LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWR118001	DATE: 9/27/18	FIGURE
APPROVED BY: ES	DRAWN BY: BK	3

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543



PRE-REMEDIATION PCE CONCENTRATIONS IN SOIL AT 1 FOOT BELOW GROUND LEVEL ISOCONTOURS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWR116001	DATE: 9/28/18	FIGURE
APPROVED BY: ES	DRAWN BY: BK	4

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543

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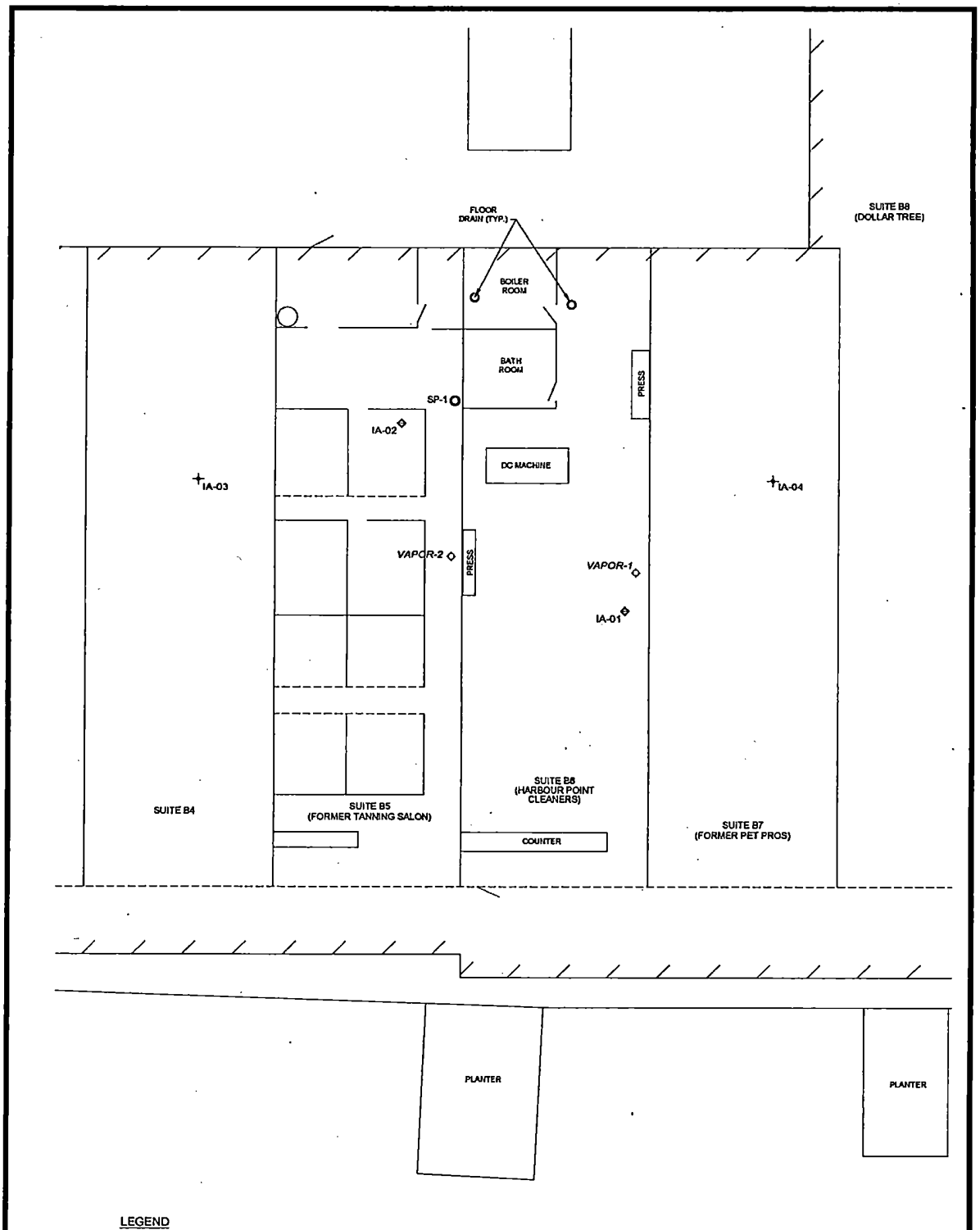

INDOOR AIR QUALITY SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWR118001		DATE: 9/27/18	FIGURE
APPROVED BY: ES		DRAWN BY: BK	5

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543

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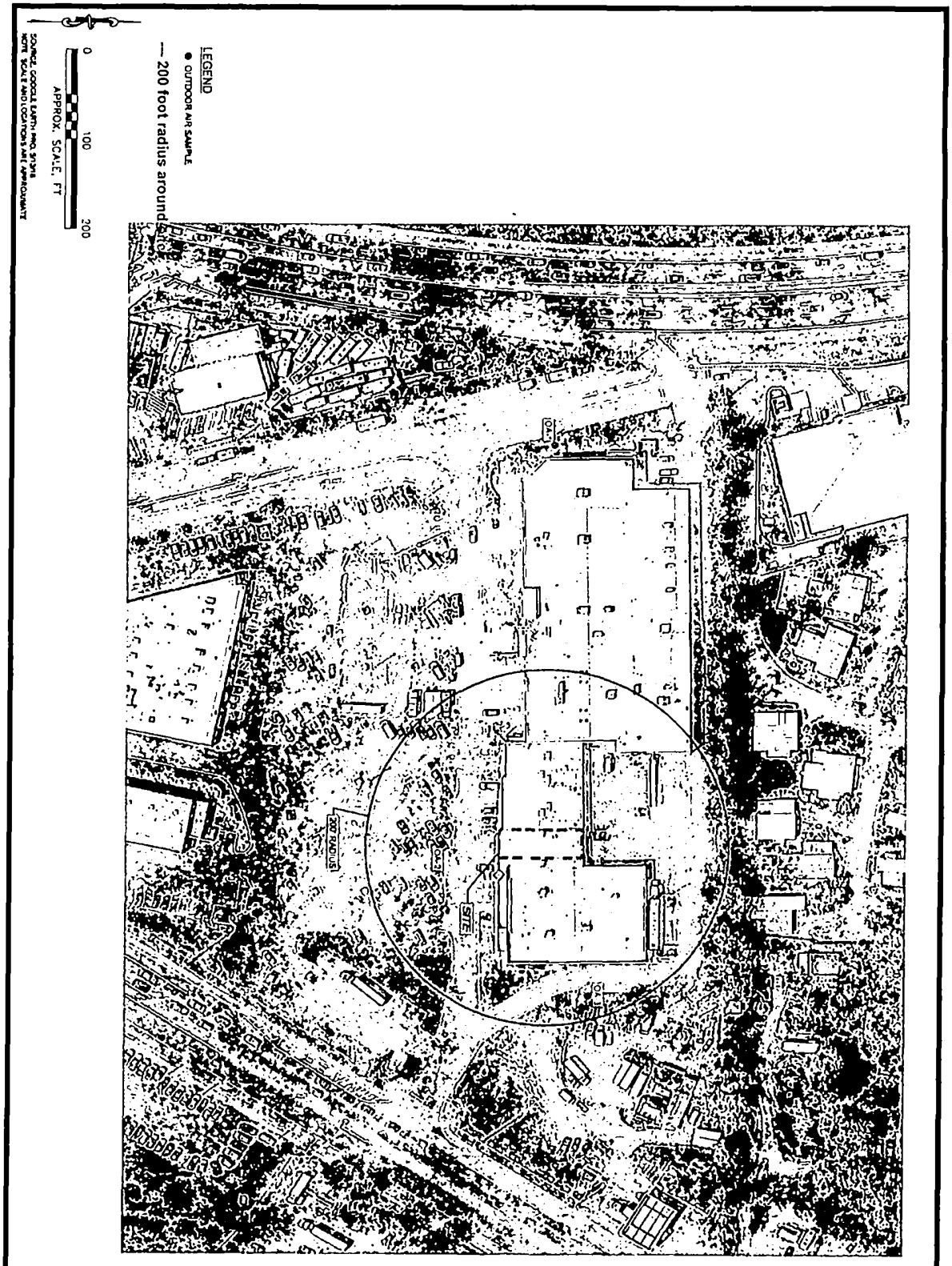
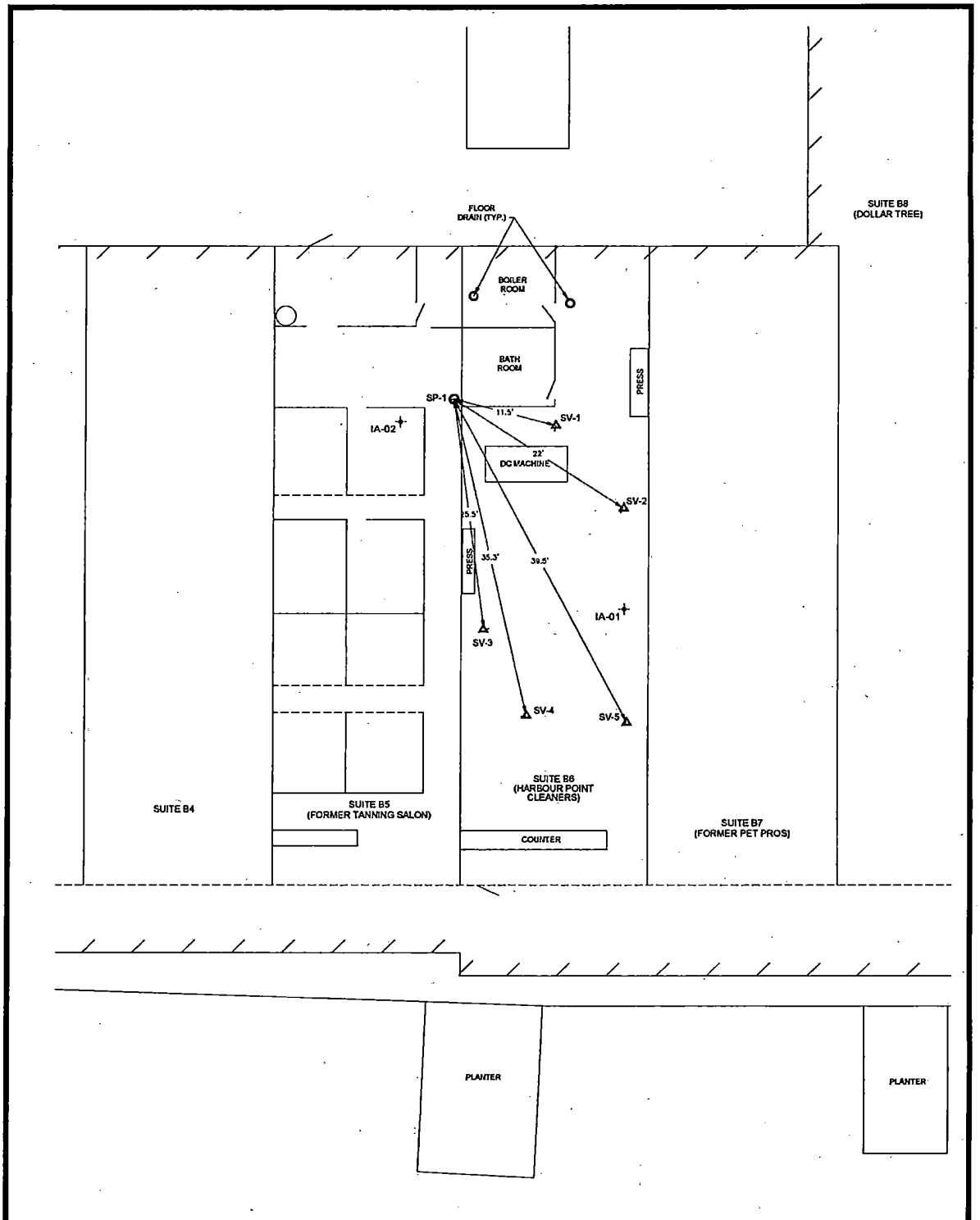


OUTDOOR AIR SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: [illegible]	DATE: 9/29/18	FIGURE
APPROVED BY: ES	DRAWN BY: BK	6

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543



SELECT INDOOR AIR, SUB-SLAB EXTRACTION AND SSD SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: HPWR118001	DATE: 9/27/18	FIGURE 7
APPROVED BY: ES	DRAWN BY: BK	

ATC
6347 Seaview Avenue NW
Seattle, Washington 98107
Ph: (206) 781-1449 *** Fax: (206) 781-1543

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Enclosure B

Chronological Vapor Intrusion Data Evaluation

Harbour Pointe Cleaners Site
Lynnwood, WA VCP NW2902
Chronological Vapor Intrusion Data Evaluation

Time Frame / Medium	Tetrachloroethene SL or CUL (a) (ug/m3)	Max (ug/m3)	Location	Max / SL or CUL (unitless)	Conclusion	Trichloroethene SL or CUL (a) (ug/m3)	Max (ug/m3)	Location	Max / SL or CUL (unitless)	Conclusion
July 2015										
Soil vapor	321	1950	Slab-1	6.1	Could be VI	12	7.73	Slab-1	0.6	VI apparently not the source to indoor air
Indoor air	9.6	10.9	IA-2	1.1		0.37	7.6	IA-1	20.5	
Outdoor air	--	--	--	--		--	--	--	--	
December 2017										
Soil vapor	--	--	--	--	Possible outdoor source	--	--	--	--	Without soil vapor data, can't distinguish between indoor source and VI
Indoor air	9.6	2.64	IA-1	0.3		0.37	6.22	IA-1	16.8	
Outdoor air	9.6	7.41	OA-1	0.8		0.37	ND		< 2.9	
May 2018: Dry cleaning business ceased operating.										
July 2018										
Soil vapor	321	1,160	SV-1	3.6	Soil vapor present but not getting into building	12	16.1	SV-3	1.3	Indoor air DLs are too high to conclude whether VI is occurring
Indoor air	9.6	< 1.36	--	< 0.14		0.37	< 1.07	--	< 2.9	
Outdoor air	9.6	ND	--	< 0.14		0.37	ND	--	< 2.9	
January 2019										
Soil vapor	321	1,100	SV-1	3.4	Soil vapor present but not getting into building	12	9.01	SV-1	0.8	Apparent outdoor source near service station but indoor air doesn't exceed CUL
Indoor air	9.6	<0.136	--	<0.014		0.37	0.296	IA-1	0.8	
Outdoor air	9.6	<0.136	--	<0.014		0.37	1.59	OA-3	4.3	

Concentrations in µg/m3

(a) The entries for soil vapor are screening levels; the entries for indoor and outdoor air are cleanup levels.
CUL - cleanup level
DL - detection limit
ND - not detected; detection limit assumed to be the same as for indoor air on the line above
SL - screening level
VI - vapor intrusion

Prepared by Department of Ecology, April 10, 2019, pnt

Enclosure B

Site Description, History, and Diagrams

Site Description

This enclosure provides Ecology's understanding and interpretation of Site conditions and forms the basis for the opinions expressed in the letter.

Site Definition: The Site is defined by the extent of PCE released to soil, PCE and TCE released to soil gas and indoor air on 13619 Mukilteo Speedway in Lynnwood, Washington (Property, **Figure 1**).

The Property consists of five irregularly-shaped Snohomish County parcels encompassing a total of 8.76 acres of land (**Figure 2**). These parcels include parcel 00373300801002 (3.2 acres), parcel 00373300801003 (1.31 acres), parcel 00373300800605 (2.06 acres), parcel 0373300801004 (1.33 acres), and parcel 00373300801000 (0.86 acres). The Property is used as a shopping center (Mukilteo Speedway Center), and consists of four structures designated as Buildings A through D (**Figure 3**). The Site is located within Building B on the northern portion of the Property, and on parcel 00373300801003.

Area Description: The Property is located in a mixed commercial and residential area in southwest Snohomish County. The Property is bordered to the west by the Mukilteo Speedway and 31st Avenue West, to the south by Lincoln Way, and to the east by State Highway 99. The Property is bordered to the north by a residential development **(Figure 2)**.

Property History and Current Use: The current shopping center was built on Property in 1992. Harbour Pointe Cleaners formerly occupied tenant suite B6 of Building B, and operated as a dry cleaning facility since approximately 1992. Between 1992 and 2007 the facility utilized PCE in their dry cleaning operations. In 2007, the operators switched from PCE to a silicon-based dry cleaning solvent with a small amount of TCE added to prevent bonding to the machine. In June 2018, the Harbour Pointe dry cleaners suite (B6) was vacated, and is currently still not in use.

Contaminant Sources and History of Releases: The COVC contamination at the Site is associated with the historic operation of Harbour Pointe dry cleaners at suite B6. Potential sources include improper disposal of filters, waste, separator water, still bottoms, and solvent leaks from the dry cleaning machine and the waste collection vessels. It is possible that untreated separator water was disposed directly into the sanitary sewer system based on information presented in previous reports.

Storm Water/Surface Water: The nearest surface water body to the Property is Lake Serene, located approximately 2,000 feet to the southwest **(Figure 1)**. The Property is primarily covered by buildings and paved parking lots. Surface water runoff is collected by catch basins located in the parking lots and at the curbs of adjacent City streets.

Ecological Setting: There is little terrestrial habitat on or in the immediate vicinity of the Property. The area is developed as industrial and commercial properties. Most of the Site and the surrounding area are paved with asphalt and concrete, or covered by the building.

Geology: The Site is in the Puget Sound Lowland Physiographic Province. The Puget Lowland is underlain at depth by Tertiary volcanic and sedimentary bedrock, which has been covered to the present day land surface with Pleistocene-aged glacial and non-glacial sediments. Subsurface soil on the Site was generally characterized as fine-grained and consisting of brown to olive-brown silt with gravel and sand of strong induration to 13 feet bgs or shallower. Coarse-grained strata consisting of sand and gravel are present beneath the fine-grained sediments, followed below by dominantly fine-grained glacial till to 25 feet bgs, the maximum depth explored.

Groundwater: Subsurface investigations identified that groundwater occurs at approximately 9 to 14 feet bgs and groundwater flow is toward the east-northeast.

Release and Extent of Contamination: Subsurface investigations were conducted at the Site since 2006. All sample locations are depicted on **Figure 4**.

Soil: PCE concentrations exceeded the MTCA Method A cleanup level at approximately 1 foot bgs at soil borings B-1, B-2, B-9, B-10, B-12, B-13, and B-14. These soil borings were located within suite B6 (former dry cleaner) and suite B5 immediately to the west (**Figure 5)**. The maximum vertical extent of PCE-impacted soil is 2.75 feet bgs at soil boring B-2, reportedly advanced behind the dry cleaner machine in suite B6.

Groundwater: Between June and August 2006, five monitoring wells (MW-1 through MW-5) were installed to total depths from 15 to 25 feet bgs (**Figure 6**). No CVOC concentrations were detected above the MTCA Method A groundwater cleanup levels.

Sub-slab Soil Gas and Indoor Air: In 2015, PCE and/or TCE concentrations exceeded the MTCA Method B sub-slab soil gas screening levels at temporary sub-slab sampling locations within suite B6 (VE-1, VE-2, VE-3, Slab-02, and Slab-03), and suite B5 (Slab-01) (**Figure 4**).

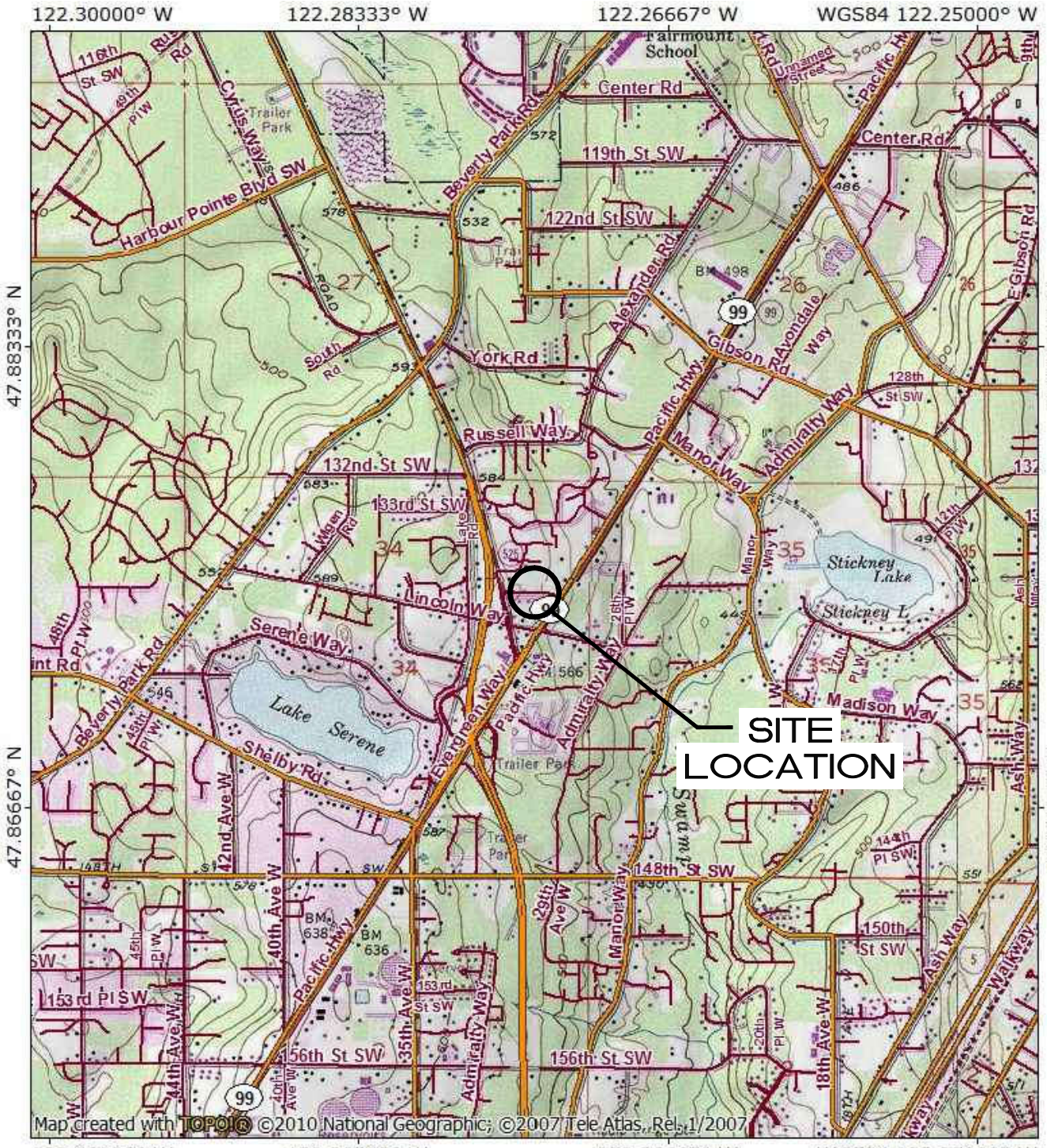
PCE and/or TCE concentrations exceeded the MTCA Method B indoor air cleanup levels at air sampling location IA-1 (in Suite B6) and IA-2 (in Suite B5) in 2015 through 2018 (**Figure 7**).

Remedial Action and Compliance Sampling: A Sub-slab Depressurization (SSD) system operated under the building from January 2017 to June 2018, which consisted of an extraction point (SP-1) and an associated riser pipe plumbed vertically from the sub-slab to a blower mounted to the building roof (**Figure 8**).

After the SSD system shutdown and the dry cleaners was vacated, indoor air samples (IA-1 and IA-2) and sub-slab soil gas samples (SV-1 through SV-5) were collected in July 2018 and January 2019 **(Figure 8**). PCE or TCE concentrations exceeded the MTCA Method B sub-slab soil gas screening levels in sub-slab soil gas samples SV-1 or SV-2. However, all indoor air samples contained CVOC concentrations below the MTCA Method B indoor air cleanup levels during both events.

Site Diagrams

Enclosure B: Figure 1



SOURCE: USGS TOPO MAP, EDMONDS EAST, WA, 1981

SITE LOCATION MAP

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: 282EM00166		DATE: 11/10/16	FIGURE
APPROVED BY: SP		DRAWN BY: BK	1

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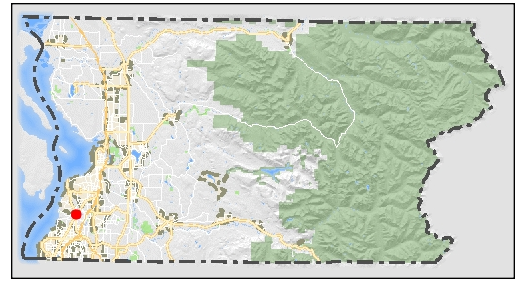
Enclosure B: Figure 2
Property Map

Snohomish County Assessor
Washington



Legend

- Parcel
- Recent Sales 2022
- Recent Sales 2021
- Recent Sales 2020
- City Boundary
- County Park
- National Forest
- Water

Street Types

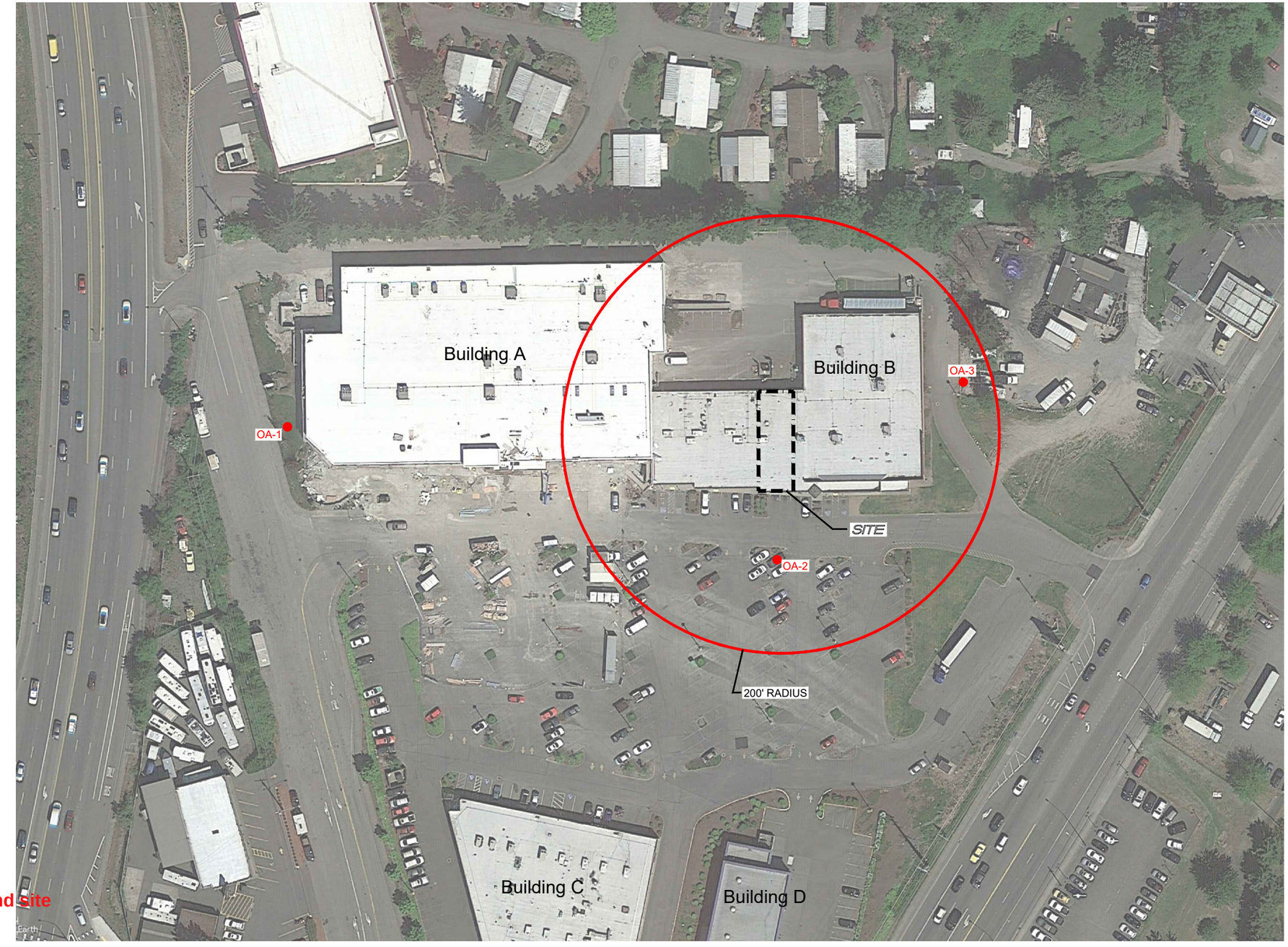
- Interstate
- State Route
- Local Road

0 225 450 Feet

6/21/2022

Enclosure B: Figure 3

Enclosure



LEGEND

- OUTDOOR AIR SAMPLE

--- 200 foot radius around site

0 100 200

APPROX. SCALE, FT

SOURCE: GOOGLE EARTH PRO, 5/13/18
NOTE: SCALE AND LOCATIONS ARE APPROXIMATE

OUTDOOR AIR SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

FIGURE 6

DATE: 9/25/18
DRAWN BY: BK

PROJECT NUMBER: NPWR118001
APPROVED BY: ES

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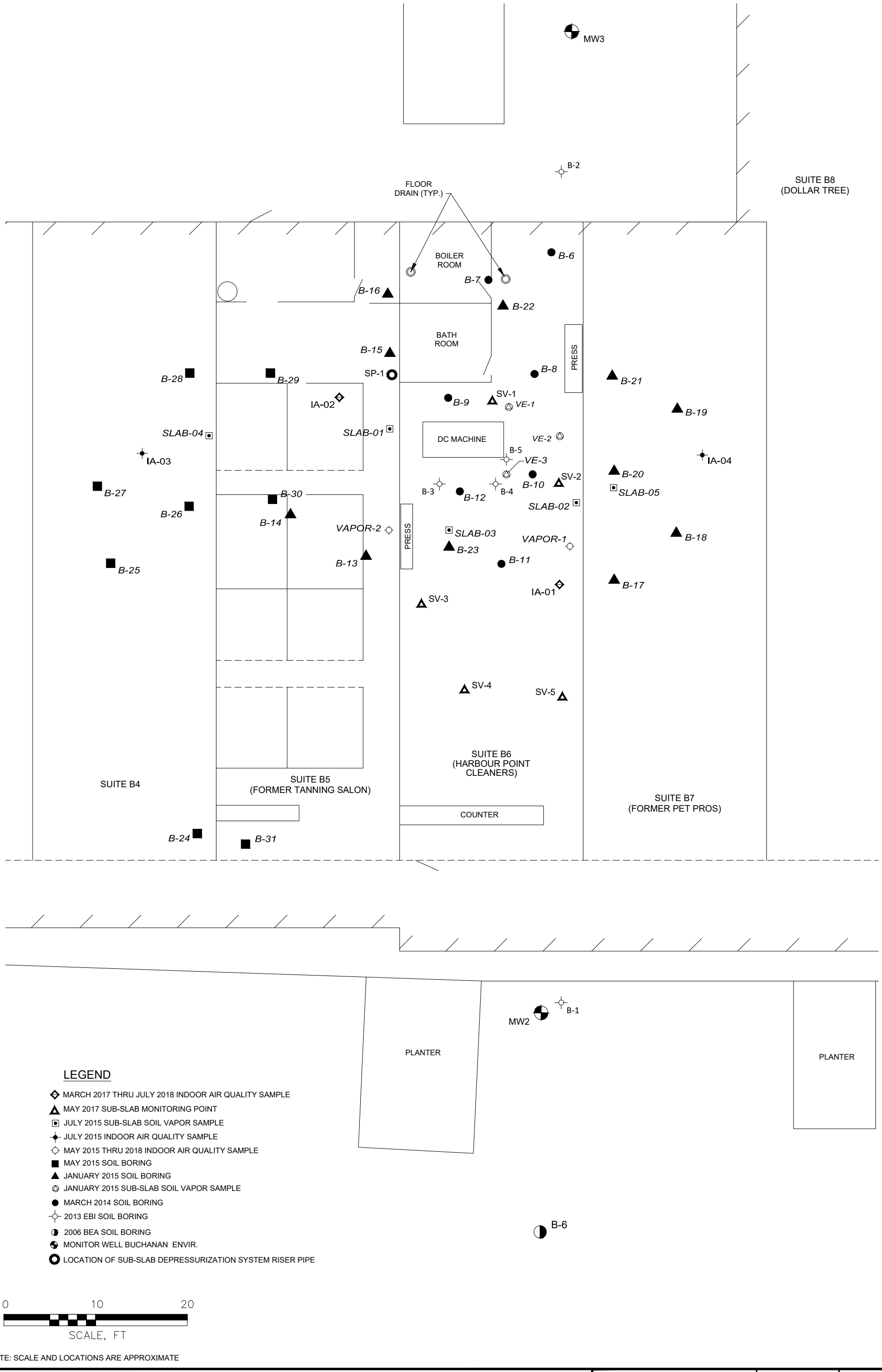
Enclosure B: Figure 4



NOTE: SCALE AND LOCATIONS ARE APPROXIMATE

SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWRI18001		DATE: 9/27/18	FIGURE 2
APPROVED BY: ES		DRAWN BY: BK	

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Seattle, Washington 98107
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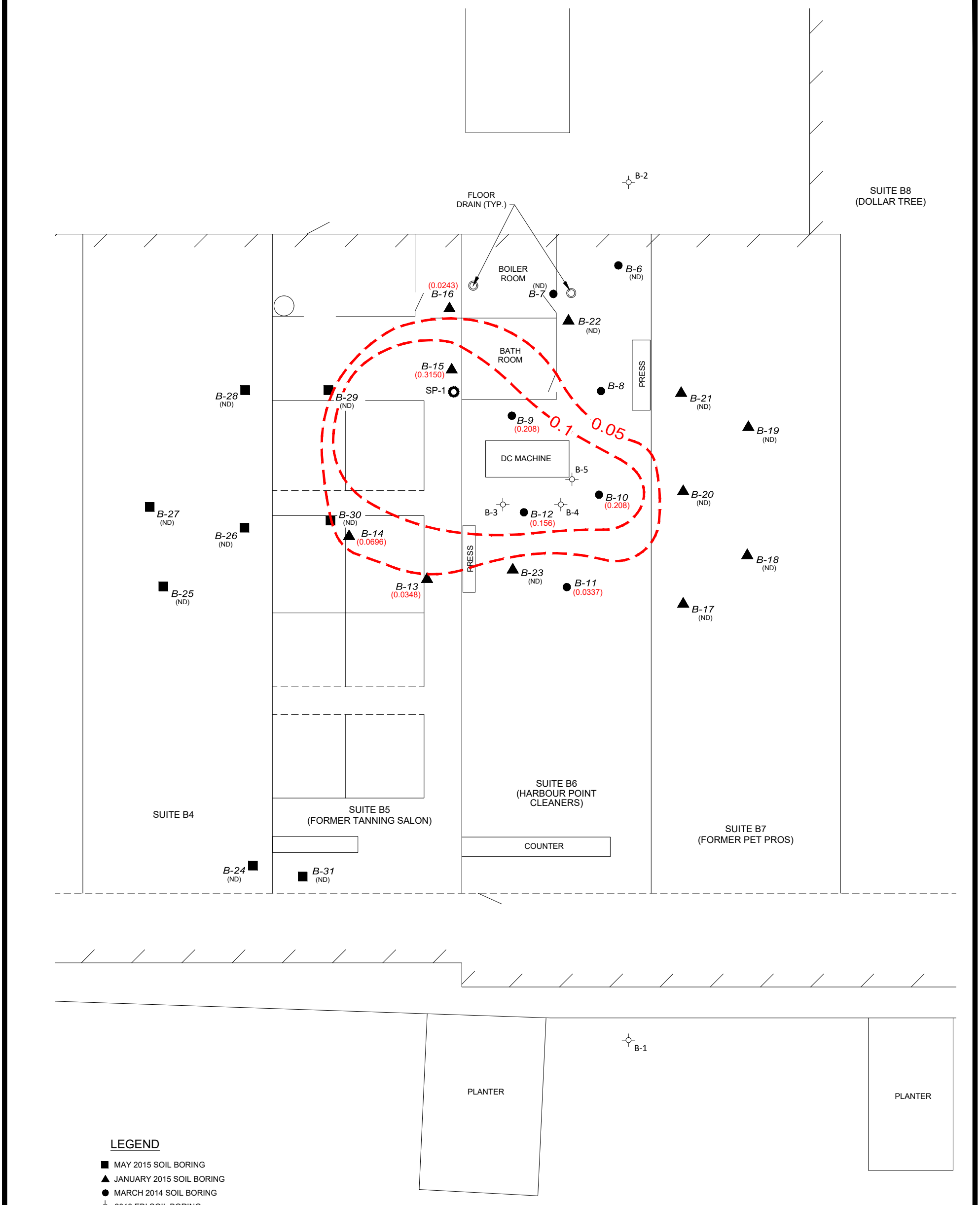
Enclosure B: Figure 5



PRE-REMEDIATION PCE CONCENTRATIONS IN SOIL AT 1 FOOT BELOW GROUND LEVEL ISOCONTOURS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER:	NPWRI18001	DATE:	9/28/18	FIGURE 4
APPROVED BY:	ES	DRAWN BY:	BK	

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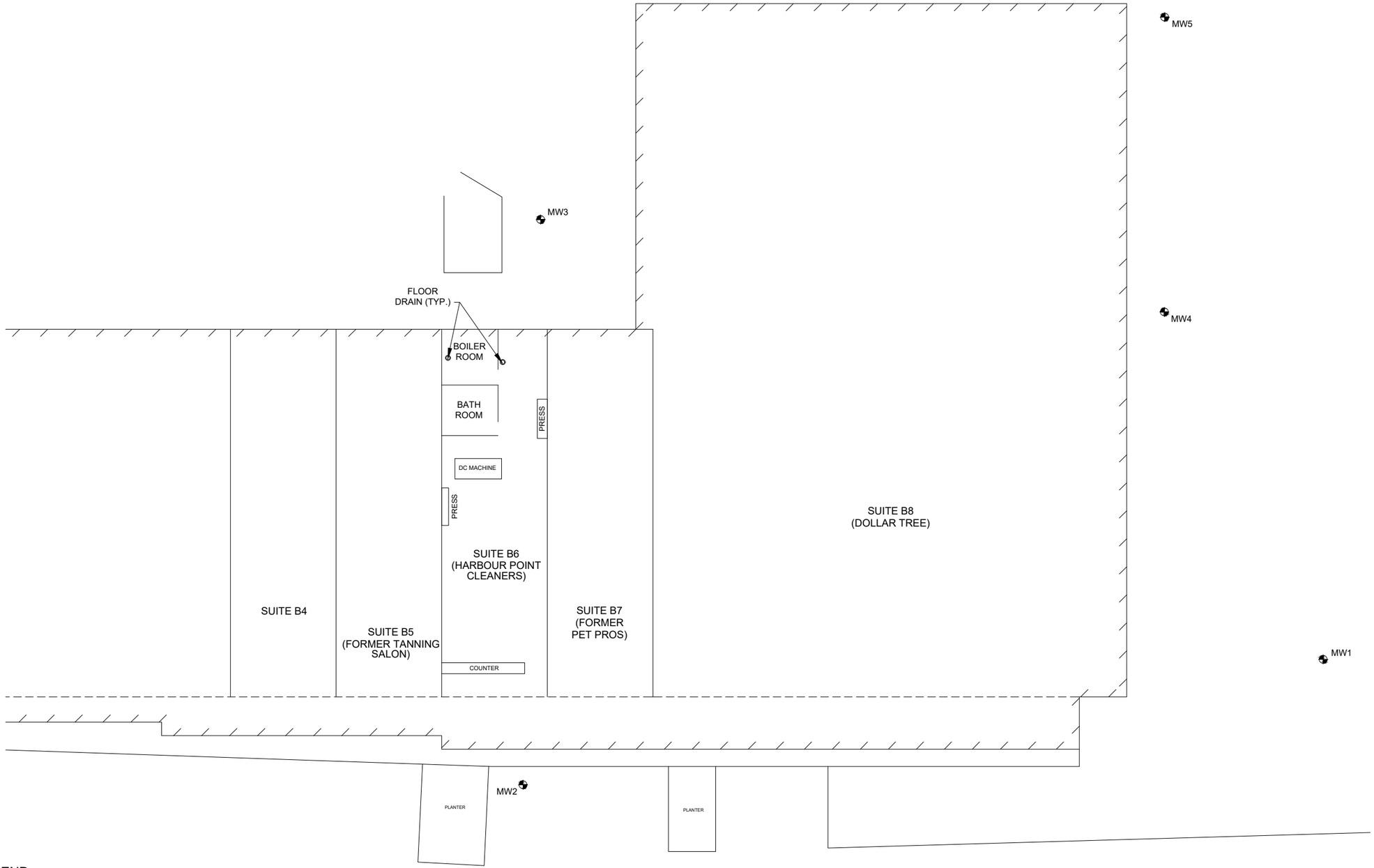
Enclosure B: Figure 6



LEGEND

MONITOR WELL BUCHANAN ENVIR.

0 20 40

SCALE, FT

NOTE: SCALE AND LOCATIONS ARE APPROXIMATE

S:\P

GROUNDWATER MONITORING WELL LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWR118001
APPROVED BY: ES
DATE: 9/27/18
DRAWN BY: BK
FIGURE 3

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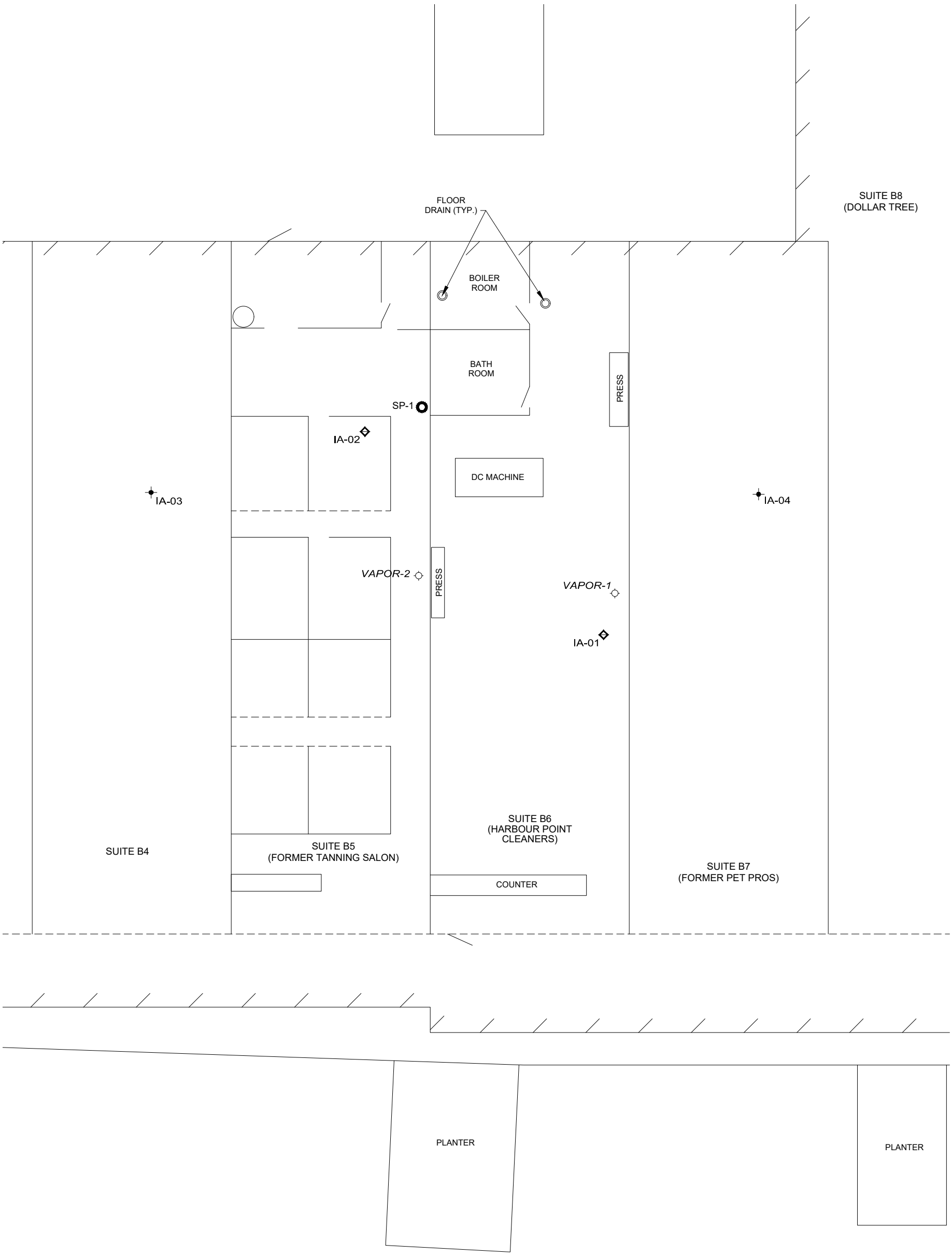
Enclosure B: Figure 7



LEGEND

- MARCH 2017 THRU JULY 2018 INDOOR AIR QUALITY SAMPLE
- JULY 2015 INDOOR AIR QUALITY SAMPLE
- MAY 2015 INDOOR AIR QUALITY SAMPLE
- LOCATION OF SUB-SLAB DEPRESSURIZATION SYSTEM RISER PIPE

0 10 20

SCALE, FT

NOTE: SCALE AND LOCATIONS ARE APPROXIMATE

INDOOR AIR QUALITY SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWRI18001		DATE: 9/27/18	FIGURE 5
APPROVED BY: ES		DRAWN BY: BK	

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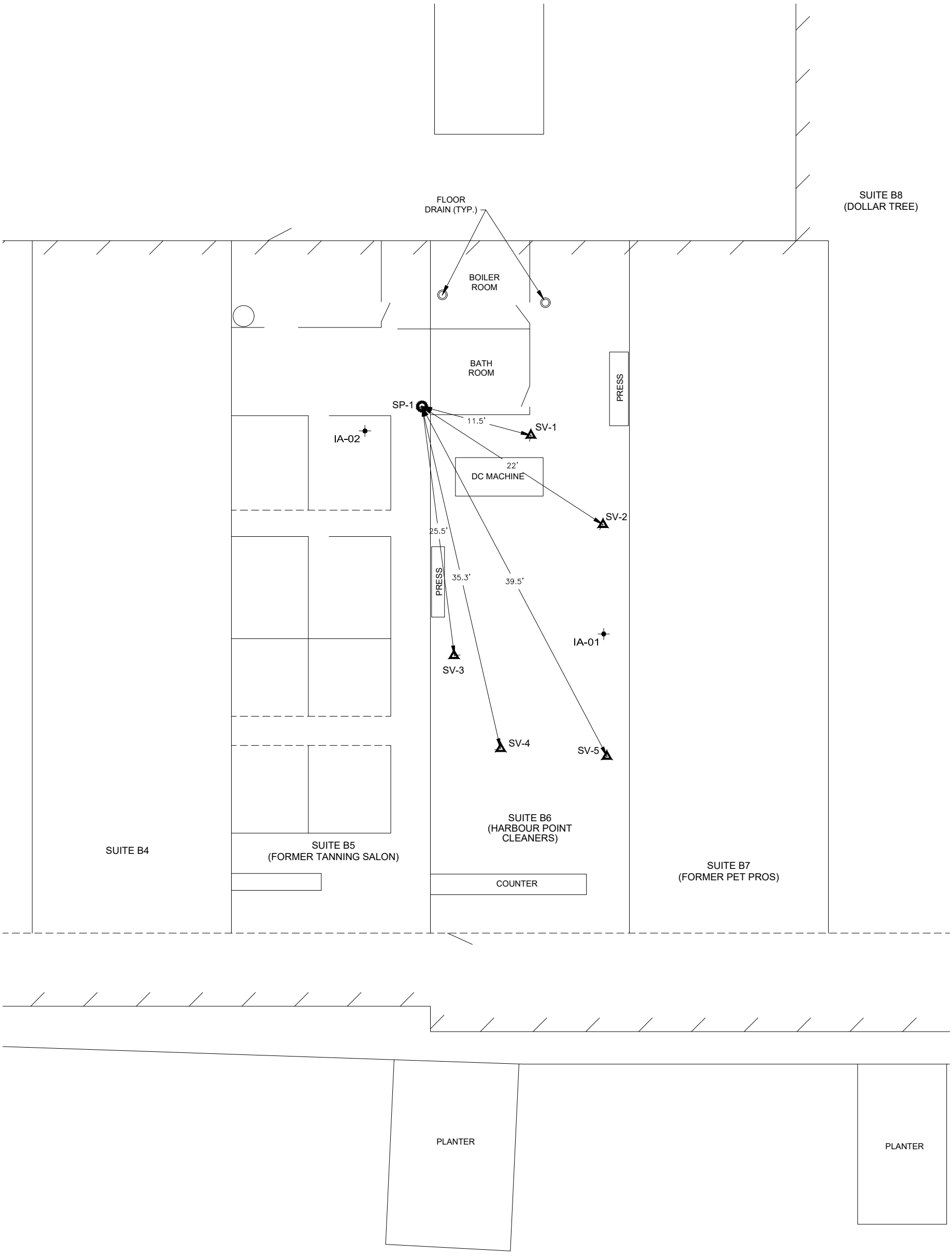
Enclosure B: Figure 8



LEGEND

- JULY 2015 INDOOR AIR QUALITY SAMPLE
- MAY 2017 SUB-SLAB MONITORING POINT
- LOCATION OF SUB-SLAB DEPRESSURIZATION SYSTEM RISER PIPE

0 10 20

SCALE, FT

NOTE: SCALE AND LOCATIONS ARE APPROXIMATE

SELECT INDOOR AIR, SUB-SLAB EXTRACTION AND SSD SAMPLE LOCATIONS

FORMER HARBOUR POINT CLEANERS
13619 MUKILTEO SPEEDWAY
LYNNWOOD, WA

PROJECT NUMBER: NPWRI18001		DATE: 9/27/18	FIGURE 7
APPROVED BY: ES		DRAWN BY: BK	

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Enclosure C

Basis for the Opinion: List of Documents

1. ATC Group Services, *Revised Cleanup Action Report, Former Harbour Pointe Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, September 4, 2019.

2. Washington Department of Ecology, *Opinion on Proposed Cleanup for the Following Site, Harbour Pointe Cleaners Lynnwood, 13619 Mukilteo Speedway, Lynnwood, Washington*, May 31, 2019.

3. ATC Group Services, *Cold Weather Sampling Event Report, January 2019, Former Harbour Pointe Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, March 4, 2019.

4. ATC Group Services, *Cleanup Action Report, Former Harbour Pointe Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, October 15, 2018.

5. ATC, *Survey of potential Sources of Indoor Air PCE/TCE Impact, Harbour Pointe Cleaners, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, March 15, 2018.

6. ATC, S*ub-Slab Depressurization System Report - January 2017 through December 2017, Harbour Point Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, WA*, February 26, 2018.

7. ATC, *Initial Operations and Maintenance Report, Harbour Pointe Cleaners at Mukilteo Speedway* Center, 13619 Mukilteo Speedway, Lynnwood, Washington, May 2, 2017.

8. ATC, S*ub-Slab Depressurization Pilot Test Report, Harbour Point Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, WA*, December 7, 2016.

9. ATC, *Email Correspondence on VCP Site NW2902 – Harbour Pointe Cleaners, Lynnwood, A Summary of Groundwater Evaluation, Submittal of Terrestrial Ecological Evaluation, EIM Data Submittal*, April 27, 2016.

10. Washington Department of Ecology, *Opinion on Feasibility Study with Disproportionate Cost Analysis, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, April 4, 2016.

11. Cardno ATC, *Feasibility Study with Disproportionate Cost Analysis, Harbour Pointe Cleaners at Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, September 17, 2015.

12. Cardno ATC, *Additional Soil Assessment and Tier 1 Vapor Intrusion Assessment, Mukilteo Speedway Center – Harbour Pointe Cleaners, 13619 Mukilteo Speedway, Lynnwood, Washington*, March 26, 2015.

13. Washington Department of Ecology, *Opinion on Limited Subsurface Investigation, Speedway Shopping Center-Harbour Pointe Cleaners, 13632 Highway 99, Lynnwood, Washington*, October 17, 2014.

14. CARDNO ATC, *Limited Subsurface Investigation, Speedway Shopping Center-Harbour Pointe Cleaners, 13632 Highway 99, Lynnwood, Washington*, April 3, 2014.

15. EBI Consulting, *Phase II Environmental Site Assessment, Speedway Shopping Center, 13632 Highway 99, Lynnwood, Washington*, March 18, 2013.

16. Buchanan Environmental Associates, *Mukilteo Speedway Center Limited Phase II Environmental Site Assessment, 13619 Mukilteo Speedway, Lynnwood, Washington*, September 6, 2006.

1. ATC Group Services LLC (ATC), *Revised Cleanup Action Report, Former Harbour Pointe Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, September 4, 2019.

2. Washington Department of Ecology (Ecology), *Opinion on Proposed Cleanup for the Following Site, Harbour Pointe Cleaners Lynnwood, 13619 Mukilteo Speedway, Lynnwood, Washington*, May 31, 2019.

3. ATC, *Cold Weather Sampling Event Report, January 2019, Former Harbour Pointe Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, March 4, 2019.

4. ATC, *Cleanup Action Report, Former Harbour Pointe Cleaners, Suite B6, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, October 15, 2018.

5. ATC, *Survey of potential Sources of Indoor Air PCE/TCE Impact, Harbour Pointe Cleaners, Mukilteo Speedway Center, 13619 Mukilteo Speedway, Lynnwood, Washington*, March 15, 2018.

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12. Cardno ATC, *Additional Soil Assessment and Tier 1 Vapor Intrusion Assessment, Mukilteo Speedway Center – Harbour Pointe Cleaners, 13619 Mukilteo Speedway, Lynnwood, Washington*, March 26, 2015.

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15. EBI Consulting, *Phase II Environmental Site Assessment, Speedway Shopping Center, 13632 Highway 99, Lynnwood, Washington*, March 18, 2013.

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