



DEPARTMENT OF
ECOLOGY
State of Washington

First Periodic Review Panda Dry Cleaners

**17424 Highway 9, Building B, Unit 6
Snohomish, Snohomish County
Facility Site ID: 6415888, Cleanup Site ID: 4139**

Toxics Cleanup Program, Northwest Region

Washington State Department of Ecology
Shoreline, Washington

October 2023

Document Information

This document is available on the Department of Ecology's [Panda Dry Cleaners cleanup site page](#).¹

Related Information

- Facility Site ID: 6415888
- Cleanup Site ID: 4139

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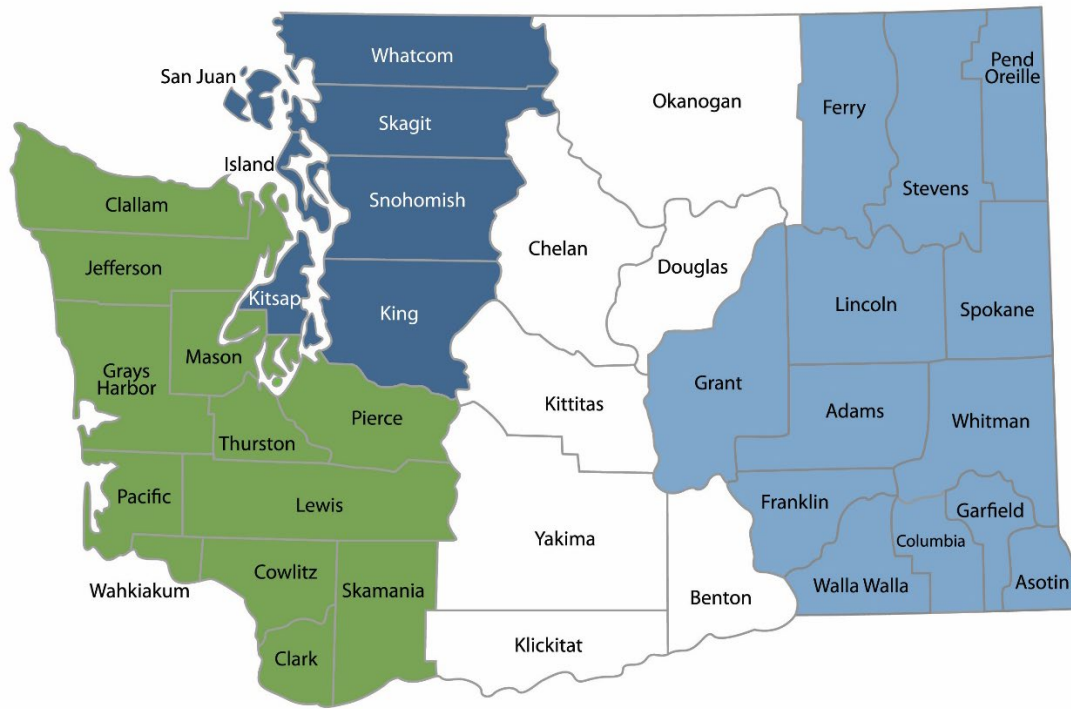
¹ <https://apps.ecology.wa.gov/cleanupsearch/site/4139>

² <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup>

³ <https://ecology.wa.gov/About-us/Accountability-transparency/Our-website/Accessibility>

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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Introduction

The Washington State Department of Ecology (Ecology) reviewed post-cleanup site conditions and monitoring data to ensure human health and the environment are being protected at the Panda Dry Cleaners cleanup site (Site). Site cleanup was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). Residual concentrations of tetrachloroethylene (PCE) in soil that exceeded MTCA cleanup levels remain on the property. The MTCA cleanup levels for soil and groundwater are established under [WAC 173-340-740](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740)⁴ and [WAC 173-340-720](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720),⁵ respectively.

Ecology determined institutional controls in the form of a restrictive covenant would be required as part of the cleanup action for the Site. [WAC 173-340-420\(2\)](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-420(2))⁶ requires Ecology to conduct a periodic review of certain sites every five years. For this Site, a periodic review is required because Ecology issued a No Further Action (NFA) opinion, and institutional controls were required as part of the cleanup action.

When evaluating whether human health and the environment are being protected, Ecology must consider the following factors (WAC 173-340-420(4)):

- a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site
- b) New scientific information for individual hazardous substances or mixtures present at the site
- c) New applicable state and federal laws for hazardous substances present at the site
- d) Current and projected site and resource uses
- e) The availability and practicability of more permanent remedies
- f) The availability of improved analytical techniques to evaluate compliance with cleanup levels

Ecology publishes a notice of all periodic reviews in the *Site Register* and provides an opportunity for public comment.

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-740>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-720>

⁶ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-420>

Summary of Site Conditions

Site description and history

The Site is located in the Clearview retail shopping center at 17408 Highway 9 in Snohomish County, Washington. The former Panda Dry Cleaners operated at 17424 Highway 9, Building B, Unit 6, within the shopping complex. *Note: Ecology databases and the VCP termination letter reference 17408 Highway 9, Building B, Unit 7; however, Site documents and the restrictive covenant reference Unit 6.* A vicinity map is in Appendix A, and a Site plan is in Appendix B.

The Panda Dry Cleaners Site operated as a dry cleaner from approximately 1996 through at least 2006. The tenant space housed a dry-cleaning machine that used tetrachloroethylene (PCE) as a dry-cleaning solvent. The space is currently operating as the Highway 9 Smoke Shop.

The Clearview retail shopping center was owned by Clearview Plaza, LLC until 2016, when it was sold to Lake Street Mall, LLC. Lake Street Mall, LLC is the current property owner.

Site investigations

In 2005, Phase I and Phase II Environmental Site Assessments (ESAs) were conducted at the Site. Four soil borings (B-1 through B-4) were advanced at the Site, two (B-1 and B-2) outside the building, and two (B-3 and B-4) within the Panda Dry Cleaners building space. One soil sample was collected from each boring, and a groundwater sample from a temporary monitoring well was collected from one boring (B-1). Soil and groundwater samples were analyzed for VOCs by EPA Method 8260.

PCE was detected in soil borings B-3 and B-4, within the Panda Dry Cleaners unit, at depths of 1 and 2 feet below ground surface (bgs). The detected soil concentration in B-3 was 0.1 milligrams per kilogram (mg/kg) at 1 foot bgs (maximum boring depth prior to refusal was 3 feet bgs). The detected soil concentration in B-4 was 0.3 mg/kg at 2 feet bgs, which was the depth of refusal. Both concentrations were above the MTCA Method A cleanup level for PCE in soil of 0.05 mg/kg.

PCE was not detected in soil above the laboratory reporting limit in soil samples collected from B-1 (8.5 feet bgs) and B-2 (1 foot bgs), located outside of the Panda Dry Cleaners unit. The maximum depth prior to refusal was 10 feet bgs in borings B-1 and B-2.

Field screening of soil, as indicated on boring logs from the Phase II ESA, indicated that volatile compounds may be present in soil in boring B-1 from 4-8 feet bgs (highest PID reading of 536 ppm), from 0.5-3 feet bgs in boring B-3 (PID reading of 710 ppm), and from 0.5-2 feet bgs in boring B-4 (PID reading of 60 ppm). The area of highest PID readings from boring B-1 (generally 4-8 feet bgs), outside the building footprint, did not correspond to the sampled soil interval (8.5 feet bgs), but instead to the soil interval directly above the groundwater table.

Only one soil sample was collected from each boring location, and only four borings were completed. The vertical and horizontal extent of PCE impacts in soil has not been fully delineated.

One groundwater sample was collected from a temporary monitoring well installed in boring B-1 at 9 feet bgs. PCE was not detected in the B-1 groundwater sample. According to the *Assessment of Environmental Conditions, Panda Dry Cleaners (TCP ID #1588)* (URS 2006), the groundwater gradient was inferred to be easterly to southeasterly, generally in the direction of B-1. However, a monitoring well network at another site located 0.3 miles south of the Site (Texaco Star Mart 3706 Johnson Property, Cleanup Site ID 6971) indicates a consistent shallow groundwater gradient to the southwest.

TCE and other breakdown products of PCE were not detected above the laboratory reporting limits in any of the soil or groundwater samples collected.

A Site plan with boring locations is in Appendix B.

Cleanup actions

The Site entered the VCP in February 2006, with VCP number NW1588. A No Further Action (NFA) determination letter was issued for the Site on November 13, 2006. The NFA required that institutional controls, in the form of a restrictive covenant, be placed on the property. The cleanup action at the Site consists of institutional controls to retain and maintain the building and concrete floor that covers the PCE-impacted soil, including the sealing compound that was placed on the concrete floor in October 2006 (as documented in the NFA letter).

Cleanup standards

Cleanup standards include cleanup levels, the location where these cleanup levels must be met (point of compliance), and any other regulatory requirements that apply to the Site. [WAC 173-340-704](https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704)⁷ states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used. Method B may be used at any site and is the most common method for setting cleanup levels when sites are contaminated with substances not listed under Method A. Method C cleanup levels may be used to set soil and air cleanup levels at industrial sites.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be routine, few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

⁷ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340-704>

The point of compliance is the area where the cleanup levels must be attained. The point of compliance is established as soils and groundwater throughout the Site (standard point of compliance).

Restrictive Covenant

Ecology determined that institutional controls would be required as part of the cleanup action to document the remaining contamination, protect the cleanup action, and protect human health and the environment. On October 24, 2006, institutional controls in the form of a [restrictive covenant](#)⁸ (Covenant) were recorded for the Site. The Covenant appears to apply to Snohomish County tax parcel number 27051100409400, also referred to as Lot 6, based on the legal description in Exhibit A of the Covenant (a county parcel map is in Appendix C). However, the cover page of the Covenant references Unit 6 of Lot 6, implying that only a portion of the parcel is included (the unit that was formerly occupied by Panda Dry Cleaners).

The Covenant recorded for the Site imposes the following limitations:

1. A portion of the Property contains tetrachloroethylene contaminated soil, located beneath the central and western portions of the concrete floor of the building occupied by Panda Dry Cleaners, 17424 SR 9 SE, Snohomish, WA. 98296, Lot# 6, Unit 6. The owner shall not alter, modify, or remove the existing structure in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.
4. The Owner of the Property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be summated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.
5. The owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

⁸ <https://apps.ecology.wa.gov/cleanupsearch/document/89977>

6. The Owner must notify and obtain approval from Ecology prior to any use of the property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.
7. The Owner shall allow authorized representative of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.
8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

Periodic Review

Effectiveness of completed cleanup actions

Ecology conducted a Site visit on April 4, 2023. Ecology staff viewed the former Panda Dry Cleaners space and building exterior. Highway 9 Smoke Shop currently occupies this unit. The retail space floor was in good condition, and no cracks or perforations were observed. The building exterior appeared in similar condition to when the Panda Dry Cleaners was operating (based on historical photos), and no building changes or improvements appear to have been made since that time. A photo log is in Appendix D. The adjacent buildings and tenant spaces also appear to be in similar condition to when Panda Dry Cleaners was in operation.

Direct contact

The cleanup actions were intended to eliminate exposure to contaminated soil at the Site. Exposure pathways to contaminated soils by ingestion and direct contact were reduced by implementation of institutional controls to maintain the existing building that prevents contact with PCE-impacted soil beneath the building floor. The building and concrete floor appear to be in satisfactory condition, and no repair, maintenance, or contingency actions are required at this time.

Protection of groundwater

PCE-impacted soils with concentrations exceeding the MTCA Method A cleanup level remain at the Site. PCE was not detected in the single groundwater sample that was collected in 2005; however, the location of that groundwater sample was likely upgradient of the Panda Dry Cleaners tenant location. Ecology has no records of any subsequent groundwater samples that have been collected.

Institutional controls

Institutional controls in the form of a Covenant were implemented at the Site in 2006. The Covenant remains active and discoverable through the Snohomish County Recorder's Office. Ecology found no evidence of any new recorded instruments that limit the effectiveness or applicability of the Covenant. This Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup action and prohibits any use of the property that is inconsistent with the Covenant, unless approved by Ecology in advance. This Covenant ensures the long-term integrity of the cleanup action will be protected.

The Covenant appears to apply to Snohomish County tax parcel number 27051100409400, also referred to as Lot 6, based on the legal description in Exhibit A of the Covenant (a county parcel map is in Appendix C). However, the cover page of the Covenant references Unit 6 of Lot 6, implying that only a portion of the parcel is included (the unit that was formerly occupied by Panda Dry Cleaners).

Due to incomplete Site characterization, it is unknown if PCE-impacted soil, soil vapor, or groundwater extends between the adjacent tenant spaces (in the same building and on the same property as the former dry cleaner) or beneath the north-adjacent supermarket property, which is owned by Albertsons LLC (parcel 27051100400800). The former dry-cleaning machine is located approximately 10 feet from the supermarket since they share a wall. The Covenant is not protective of the adjacent supermarket. In addition, it is unclear whether the Covenant is protective of the other tenant spaces on the subject property that are adjacent to the former dry cleaner unit, based on inconsistencies in the Covenant (as previously described).

The property was sold from Clearview Plaza, LLC to Lake Street Mall, LLC in May 2016. Clearview Plaza, LLC was dissolved in 2017. No notice of conveyance of interest in the property was available for review in Ecology's files and it is unclear if this notice, as required by the Covenant, was provided to Ecology. However, the current property owner indicated they are aware of the Covenant and the rules and obligations required under the Covenant, and the Covenant does remain in effect.

New scientific information for individual hazardous substances or mixtures present at the Site

There is no new relevant scientific information for the hazardous substances known to remain at the Site (PCE). However, while trichloroethylene (TCE) was not detected in soil or groundwater at the Site, it can be a breakdown product of PCE. New information on TCE indicates that relatively brief exposures to TCE may cause serious health problems to a developing fetus early in pregnancy. Therefore, guidance regarding short term exposure to TCE has been updated since this Site was given an NFA in 2006 (Ecology's 2022 *Guidance for Evaluating Vapor Intrusion in Washington State*).

New applicable state and federal laws for hazardous substances present at the Site

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

Ecology's initial vapor intrusion (VI) guidance was published in October 2009, after release of the November 2006 Site NFA opinion letter. A vapor intrusion (VI) assessment was not conducted at the time of the Site investigations; however, PCE-impacted soil is known to be present below the concrete floor of the building, and PCE impacts to groundwater have not been adequately assessed.

It is likely that the sealed concrete floor provides sufficient protection against vapor intrusion concerns; however, it would be prudent to evaluate the VI and groundwater exposure pathways beneath and adjacent to the current building, including the Highway 9 Smoke Shop tenant space and the adjacent tenant spaces, as well as the north-adjacent parcel/building owned by Albertsons LLC. The only groundwater sample collected at the Site was outside and upgradient of the building footprint, where the concentration of PCE in the analyzed soil sample was below the laboratory detection limit.

Current and projected site and resource uses

The Site is used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the cleanup action.

Availability and practicability of more permanent remedies

The remedy implemented included containing hazardous substances, and it continues to appear to be protective of human health and the environment with respect to contaminated soil. Potential impacts to soil vapor and groundwater are unknown. Assessment of the availability and practicability of more permanent remedies is not feasible until all contaminant impacts associated with the former Panda Dry Cleaners have been assessed.

Availability of improved analytical techniques to evaluate compliance with cleanup levels

The analytical methods used at the time of the cleanup action were capable of detection below the selected MTCA cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

Conclusions

The Covenant for the property is in place, and the selected remedy is protective of human health and the environment with respect to direct contact with contaminated soil in the former dry cleaner unit. However, the following potential concerns were identified during this periodic review due to incomplete characterization of the Site contamination.

- The horizontal and vertical extent of residual contaminated soil, and potentially affected groundwater, has not been fully delineated. The Covenant is only protective of soil beneath the subject property, and does not apply to potential groundwater impacts to the subject property, or potential soil or groundwater impacts to adjacent properties (such as the supermarket). In addition, it is unclear whether the Covenant includes the adjacent tenant spaces on the subject property, or includes only the former dry cleaner unit, due to inconsistencies in the Covenant. Therefore, the remedy may be ineffective long-term in protecting adjacent properties and/or adjacent units, if they are impacted. Additional characterization work is needed to delineate the extent of chlorinated solvents in soil and groundwater beneath adjacent properties and adjacent tenant spaces.
- A vapor intrusion (VI) assessment has not been conducted at the Site. To ensure that the concentrations of PCE (and breakdown products) remaining at the Site are protective of human health, a VI assessment should be conducted per Ecology's 2022 *Guidance for Evaluating Vapor Intrusion in Washington State*. Soil gas and/or indoor air sampling (as appropriate) should be conducted in the Highway 9 Smoke Shop space (former dry cleaner), as well as the adjacent tenant spaces and buildings, based on their close proximity to the remaining soil contamination (which has an unknown extent). Adjacent owners and occupants should be notified, and access requested.

Based on the incomplete Site characterization and the potential impacts to soil, soil vapor, and groundwater that are not mitigated by the Covenant, Ecology will rescind the November 13, 2006 Site NFA determination.

The property owner should re-enroll in the Voluntary Cleanup Program (VCP) in order to present additional investigation results to Ecology so that the protectiveness of the Site remedy can be fully assessed.

The property owner is responsible for continuing to inspect the Site to ensure the integrity of the 2006 remedy is maintained, including maintenance of the existing building and concrete floor, per the 2006 Covenant.

References

Clearview Plaza, LLC. *Restrictive Covenant*. October 24, 2006.

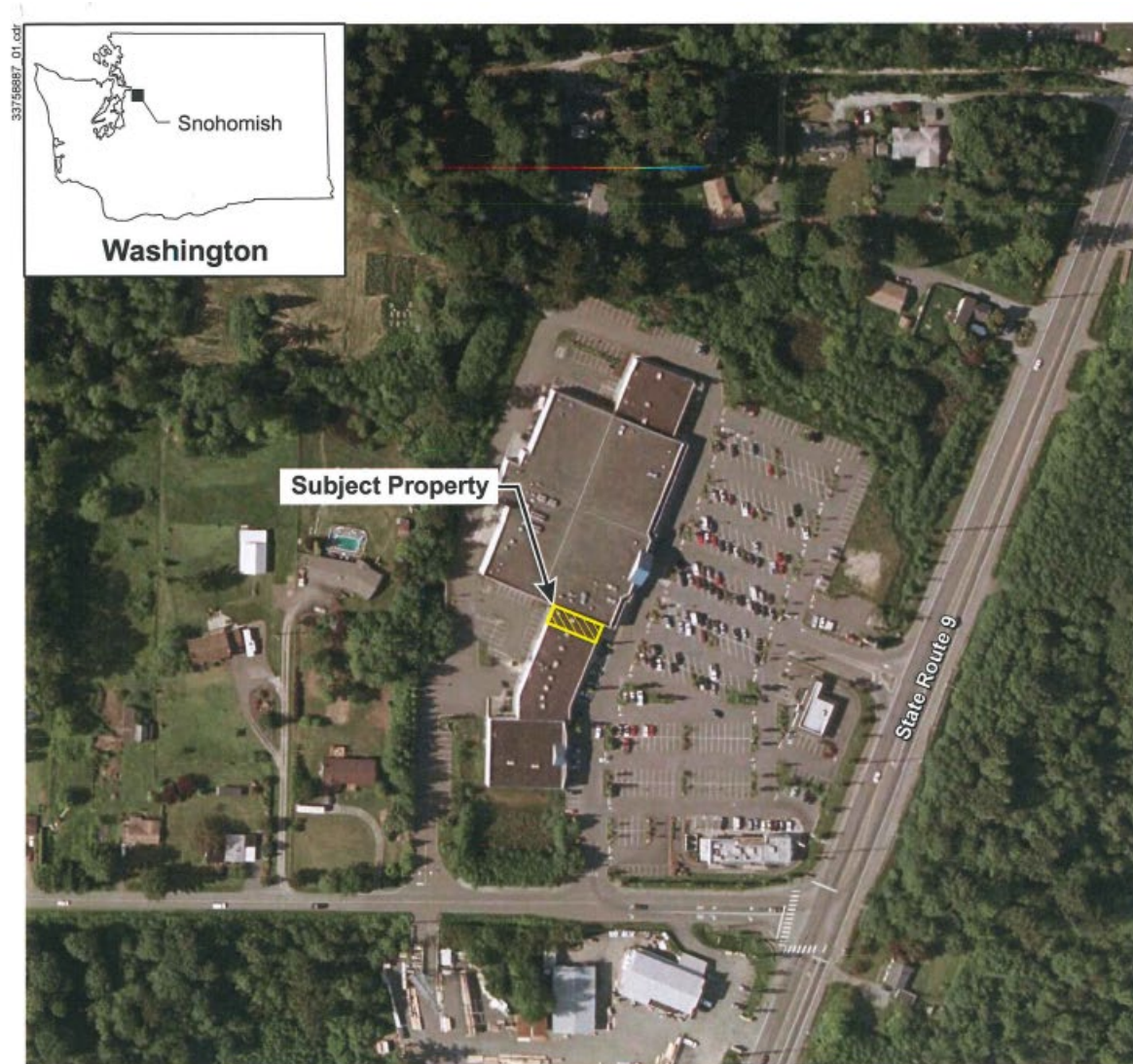
Ecology. *No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site: Panda Dry Cleaners*. November 13, 2006.

Ecology. Site Visit. April 4, 2023.

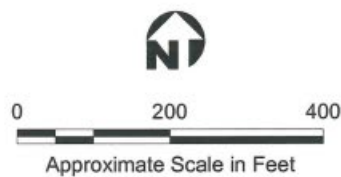
LandAmerica Assessment Corporation. *Phase II Limited Subsurface Investigation Report, Clearview Plaza, 17408 Highway 9, Snohomish, WA 98296*. Prepared for Commercial Real Estate Group. August 8, 2005.

URS. Letter Report: *Assessment of Environmental Conditions, Panda Dry Cleaners (TCP ID #1588), Clearview Plaza, Snohomish, Washington*. July 13, 2006.

Appendix A. Vicinity Map



SOURCE: Google Earth Pro, 2005



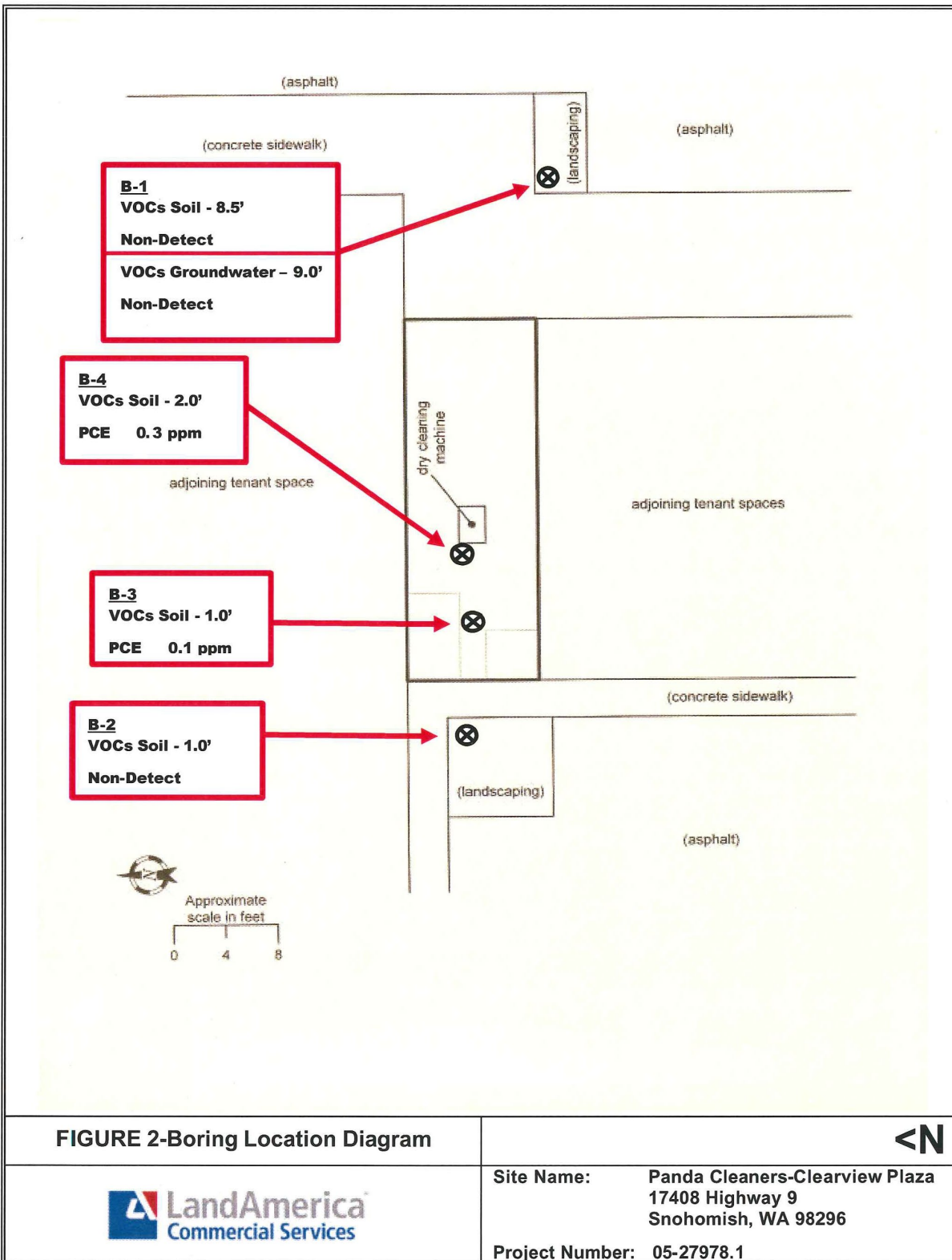
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Figure 1
Location Map

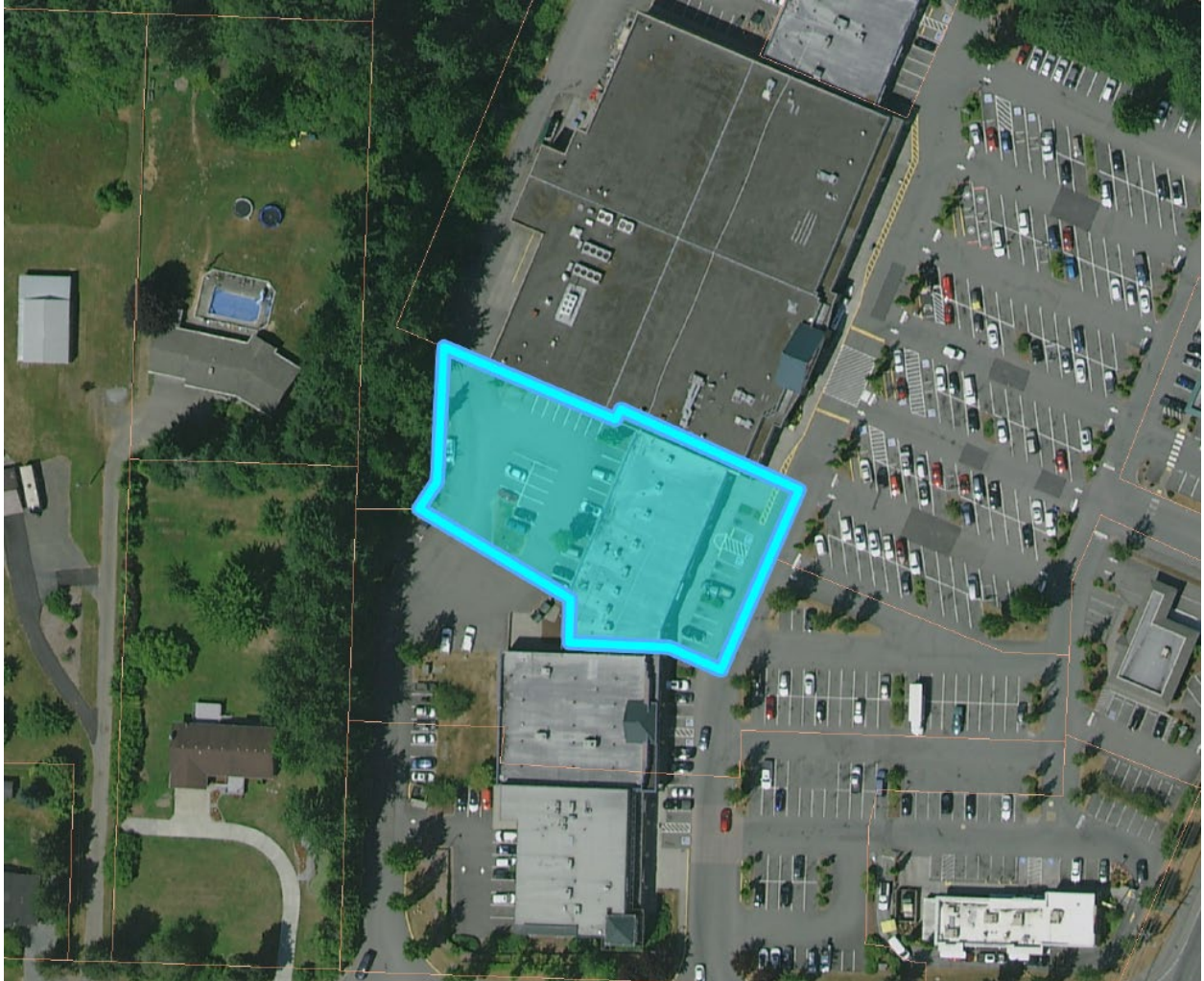
URS

Panda Dry Cleaners
17424 State Route 9 SE, Suite G, Snohomish, Washington

Appendix B. Site Plan with Boring Locations



Appendix C. County Parcel Map



↑ North

Appendix D. Photo Log

Photo 1: Highway 9 Smoke Shop unit (former dry cleaner), with the adjacent tenant space on the subject property to the left, and the adjacent supermarket property to the right.



Photo 2: Back door of Highway 9 Smoke Shop unit.



Photo 3: View from inside the Highway 9 Smoke Shop unit, facing the front entrance.



Photo 4: View from inside the Highway 9 Smoke Shop unit, facing the back entrance.



Photo 5: View of indoor space of the Highway 9 Smoke Shop facing the back door, near former boring B-3.

