

Response to Comments

New Environmental Covenant / Superseding Restrictive Covenant

Texaco 211544 Cleanup Site Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Region Office

Shoreline, Washington

October 2023

Publication Information

This document is available on the Department of Ecology's website at:

<https://apps.ecology.wa.gov/cleanupsearch/site/6416>

Cover photo credit

- Texaco 211544 Site Map (Ecology)

Related Information

- Clean-up site ID: 6416
- Facility site ID: 63538329

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ADA Accessibility

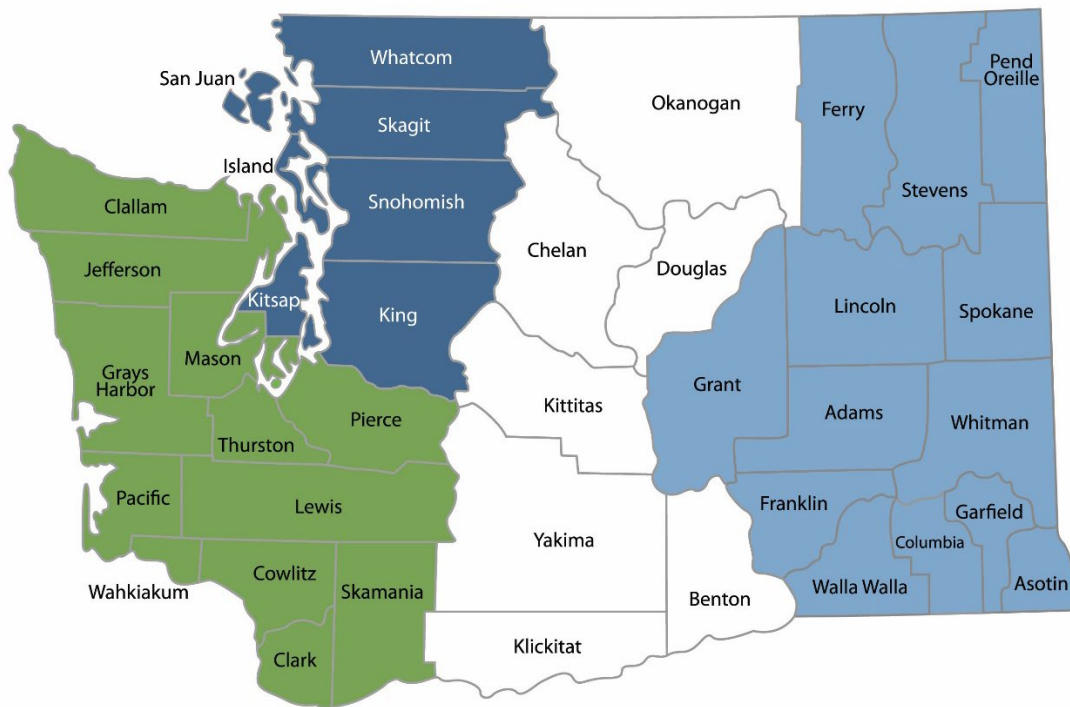
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¹ www.ecology.wa.gov/contact

Department of Ecology's Region 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
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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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**Texaco 211544 Cleanup Site
Seattle, WA**

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DEPARTMENT OF
ECOLOGY
State of Washington

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Public Outreach Summary

The Department of Ecology (Ecology) and 8701 Greenwood LLC proposed superseding (replacing) the Restrictive Covenant (RC) for the [Texaco 211544 cleanup site](#)² (Site) located at 8701 Greenwood Avenue N in Seattle, Washington (the Property). The Environmental Covenant will require protection of contamination related to the adjacent [SMI Inc. Trust cleanup site](#)³ and will release restrictions on the Property related to the Texaco 211544 Site.

Site data indicate that the existing RC should be superseded to better protect current Site conditions. During recent investigations at the Site, contaminated soil containing diesel-range petroleum hydrocarbons at concentrations greater than those allowed by the state cleanup law, the Model Toxics Control Act ([MTCA](#)⁴), was discovered in the northern portion of the Property. Based on Ecology's understanding of the history of the Texaco 211544 Site, contamination in this portion of the Property appears to be related to the SMI Inc. Trust facility, another site listed on Ecology's Hazardous Sites List. The SMI Inc. Trust Site is located on the north-adjacent parcel at 8733 Greenwood Avenue N.

Ecology's public involvement activities related to this 30-day comment period (August 10 – September 8, 2023) included:

- **Fact Sheet:**
 - US mail distribution of a fact sheet providing information about the cleanup document and the public comment period to approximately 6,000 addresses including local media, neighboring businesses, and other interested parties.
 - The fact sheet was also available digitally through Ecology's [cleanup site webpage](#)⁵.
- **Legal Notice:**
 - Publication of one paid display ad in *The Seattle Times*, dated Thursday, August 10, 2023.
- **Site Register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - August 10, 2023
 - August 24, 2023
 - September 7, 2023
 - Response Summary Notice:
 - October 19, 2023
 - Visit [Ecology's Site Register website](#)⁶ to download PDFs.

² <https://apps.ecology.wa.gov/cleanupsearch/site/6416>

³ <https://apps.ecology.wa.gov/cleanupsearch/site/4350>

⁴ <https://ecology.wa.gov/mtca>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/site/6416>

⁶ <https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

- **Social Media:**
 - **Twitter (X):** Ecology – Northwest Region @ecyseattle posted a [tweet](#)⁷ on Thursday, August 10, 2023 connecting readers to the comment period including the cleanup site webpage.
- **Websites:**
 - Ecology announced the public comment period, posted the fact sheet, and made the review document available on Ecology’s [Texaco 211544 webpage](#)⁸ and Ecology’s [Public Inputs & Events webpage](#)⁹.
- **Document Repositories:**
 - Copies of the review document and fact sheet were available for review at the Greenwood Public Library in Seattle, WA.
 - Outreach materials also directed the public to contact Ecology’s Northwest Region Office to [make an appointment](#)¹⁰ to review the document.

Comment Summary

From August 10 – September 8, 2023, Ecology invited public comments on superseding (replacing) the Restrictive Covenant (RC) for the Texaco 211544 cleanup Site.

Ecology received comments from 14 commenters during the 30-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Mike	McAdams		Individual
2	Patricia	Malone		Individual
3	Amanda	Milstein		Individual
4	Jessica	Roberto		Individual
5	Sharon	Holt		Individual
6	Greg	Berft		Individual
7	Manuela	Noske		Individual
8	Alison	Pieper		Individual

⁷ <https://twitter.com/ecyseattle/status/1689687155365539840>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/site/6416>

⁹ <https://ecology.wa.gov/Events/Search/Listing>

¹⁰ nwro_public_request@ecy.wa.gov

	First Name	Last Name	Agency/Organization/Business	Submitted By
9	Kurtis	Bonholzer		Individual
10	Timothy	Jordan		Individual
11	Kristine	Antonsen		Individual
12	Jonathan	Betz-Zall		Individual
13	Henry	Quiroga		Individual
14	Sydney	Price		Individual

Next Steps

Ecology has reviewed and considered the public comments received on the new Environmental Covenant, and no edits are necessary. Ecology is finalizing the document.

Ecology and 8701 Greenwood LLC will supersede (replace) the existing Restrictive Covenant with a new Environmental Covenant. The Environmental Covenant will require protection of contamination related to SMI Inc. Trust Site and will release restrictions on the Property related to the Texaco 211544 Site.

See graphic below and visit Ecology's [cleanup process webpage](#)¹¹ to learn more about Washington's formal cleanup process.

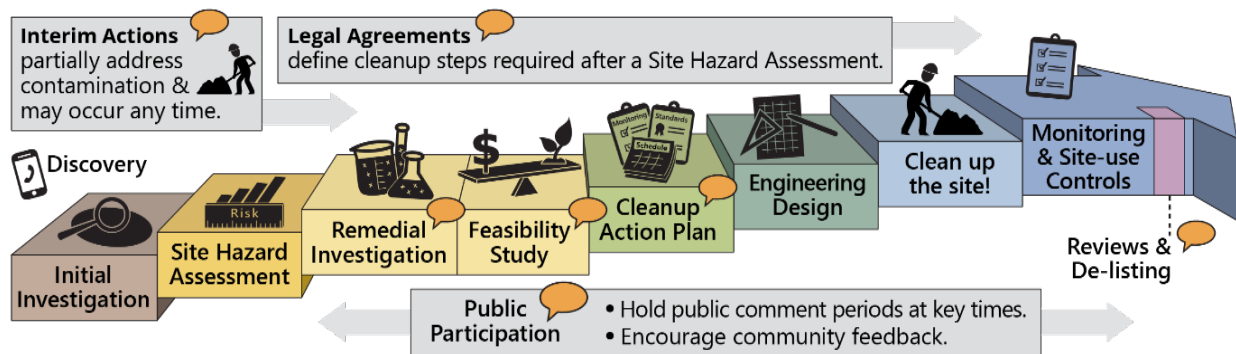


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹⁵)

¹¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

Comments and Responses

The public comments are presented below, along with Ecology's responses. Appendix A contains the comments in their original format.

Comment from: Mike McAdams – 8/11/23

David,

I received an Ecology letter/memo today about 'Texaco 211544 Cleanup Site'. Would there be any chance I can get the consultants report (or ecology's report) that makes the conclusion:

"contamination in this portion of the Property appears to be related to the SMI Inc. Trust facility"

I'd imagine that the report will describe in better detail where samples were taken, where water table depths are, past history and what was found at the site than the notification attempts.

Thanks,

Mike

PS - I see a picture in the pamphlet that portrays soil sampling happening offsite of the property (or maybe within road rite of way / easement). I find the picture and map dropped into the pamphlet fairly odd. First there is no discussion of context for map or picture. Second, the contamination plume marked on the map is essentially as far away as you can get on the property from the picture location (a more compelling picture would be sampling at the actual plume location). Third, the soil sample location picture is taken of a spot not even represented on the map.

Response:

Hi Mike,

Thank you for reaching out. The [site webpage](#) contains some additional discussion of the site as well as technical documents from Ecology and the consultant for the project. For additional detail regarding the relationship between the 8701 Greenwood Ave N Property and the SMI Inc. Trust Site, I would recommend reading the following two documents:

- [Texaco 211544 – NW3329 – Site NFA Likely Letter](#): This is Ecology's most recent Voluntary Cleanup Program (VCP) opinion letter regarding the Site and summarizes Ecology's opinion regarding the status of the cleanup at the site.
- [Texaco 211544 – NW3329 – Model Remedy Site Closure Report](#): This report is the most recent report on the status of the site from the environmental consultant. It contains discussion of the cleanup as well as figures and tables with soil, groundwater, and soil gas sampling data.

Regarding your post-script statement, I apologize for the confusion with the included figure and photos in the fact sheet. I do appreciate your input, it can be difficult for us to summarize a

complex site in a short fact sheet for a general audience and there is always room for improvement.

Please don't hesitate to reach back out if you have further questions regarding this site.

Thank you,

David

Comment from: Patricia Malone – 8/12/2023

I am giving feedback about the Texaco Site at 8701 Greenwood Ave North in Seattle. I live in the neighborhood. I definitely think that the old Restrictive Covenant should be superseded with a new one to prevent developers from going into that site until it is cleaned up or whatever needs to happen, especially because it is likely to be housing that would go in that site but no matter what they should not just be allowed to go in there until assurances are made that there is nothing leaking into the ground water or the environment.

I am pretty upset with all the building and homeless encampments around this area because when the Fred Meyer project was being developed back before they started the remodel in 2012 that entire project discussion was based on the fact that the Piper Creek Watershed needed to be protected. At least that is what I thought. So there were supposed to be protected wetlands around that site. But the city doesn't seem to care about protecting that area now and it is upsetting to see.

So the last thing we need is to have a site such as this ignored and it sounds like perhaps this is why this is coming up because someone wants that original covenant lifted without replacing it so that site can be developed. Am I wrong?

Anyway I am in favor of whatever the state department of ecology wants to do. We need to protect the environment.

Response:

Hi Ms. Malone,

Thank you for your interest, concern, and comment regarding the Texaco 214544 cleanup site.

The current property owner and I understand the frustrations nearby residents have with this property staying vacant for so long. This property will be redeveloped after the covenant is replaced which will be a benefit for the community and to the environment.

The environmental investigations show the remaining soil contamination does not pose a threat to human health or the environment as long as it remains contained. The contamination is located below the current parking lot. The intent of the new environmental covenant is to ensure current and future property owners take steps to ensure contamination remains protected until a time when it can be safely removed. Please let me know if you have any further questions, I am happy to discuss the site further.

Thank you,

David

Comment from: Amanda Milstein – 8/12/23

If the soil needs to be cleaned up, clean it up. We will gladly volunteer to help with the clean up if it moves things along faster. But this site needs to be developed: Greenwood needs more mixed use for mom&pop shops and affordable housing, and this is at a major intersection. It cannot continue to sit vacant, it harms the community. Tax us, solicit volunteers, do whatever is needed to get the cleanup done so someone can build.

Response:

Hello Amanda,

Thank you for your interest and comment regarding the Texaco 211544 cleanup site. Ecology and the property owner understand the frustration nearby residents have with this property staying vacant for so long. Replacing the restrictive covenant will allow this property to be redeveloped to allow new business to move in.

The proposed environmental covenant will ensure remaining contamination on the property is safely contained until it can be removed. If major renovations occur at the property that include ground disturbance, Ecology will require the property owner to clean up the remaining contamination. We appreciate your willingness to help with cleanup, but Washington law requires anyone working with hazardous materials receive training to be able to safely handle contaminated materials.

Thank you,

David

Comment from: Jessica Roberto - 8/12/23

I am generally fine with lifting the covenant so long as Ecology is extra dutiful to ensure that the contamination from the adjacent site is fully blocked from continuing to seep onto this site. From my understanding, there are plans for a childcare center to be built here and I am concerned about the public health implications for such a susceptible population.

Response:

Hello Jessica,

Thank you for your interest and comment regarding the Texaco 211544 cleanup site. Based on the information available about the northern portion of the property, contamination appears to be limited to soil in the area shown on the figure in the fact sheet. Groundwater samples collected in 2022 indicate that groundwater is not contaminated above levels allowed by the state cleanup law. Ecology has determined that as long as soil remains in place and undisturbed, it does not pose an acute threat to human health or the environment.

The proposed environmental covenant will ensure the remaining contamination on the property is safely contained until it can be removed. If major renovations occur at the property that include ground disturbance, Ecology will require the property owner to clean up the remaining contamination. Please refer to [Ecology's No Further Action Likely Opinion Letter](#),

published February 3, 2023 for further information regarding contamination at the property. Please let me know if you have any other questions, I'm happy to discuss the site.

Thank you,

David

Comment from: Sharon Holt - 8/14/23

For the lay person, I find the mailer confusing. As I read it, the proposal is to replace the existing RC for the Texaco site because the soil and groundwater meet MTCA cleanup standards even though -1-contaminated soil containing diesel-range petroleum hydrocarbons at concentrations greater than those allowed by MTC was discovered in the northern portion of the property. . .appears to be related to the SMI Inc. Trust facility. . .-1- So how is the northern contamination going to be mitigated? This is not explained in the mailer. Someone can build on this site and not be concerned with the northern portion of the property? Please explain. It would seem that we should err on the side of the utmost caution and prudence when cleaning up polluted properties. This is in the public interest. Yes, a hassle for the developer, but it's best for the common good.

Response:

Hello Sharon,

Thank you for your interest and comment regarding the Texaco 211544 site. The environmental covenant requires that current and future property owners take steps to contain contamination remaining on the property including the following:

- The area indicated on the figure (restricted area) in the fact sheet may not be disturbed or excavated without prior approval from Ecology. If major ground disturbance is proposed, Ecology will require that the contamination be removed.
- The protective cap, consisting of asphalt, must be inspected on an annual basis and its condition reported to Ecology. The property owner must report any damage to the cap to Ecology and make repairs as soon as possible.
- Groundwater may not be withdrawn from the property for any purpose other than remediation.
- Any new stormwater infrastructure in the restricted area must not allow surface water to infiltrate to the soil.

Ecology has determined that with the aid of the controls described above, contamination at the property does not pose a risk to human health or the environment. At this time, Ecology understands that the current structure on the property will remain in place and be refurbished.

If you have any further questions regarding the covenant or cleanup of this property, please let me know.

Thank you,

David

Comment from: Greg Berft – 8/17/23

If superseding the existing RC- will allow for tearing down that Walgreens then I am all for it. If not then leave existing RC in place.

The current structure is an eyesore to the neighborhood and needs to be torn down-please!

Response:

Hi Greg,

Thank you for your interest and comment regarding the Texaco 211544 cleanup site. Ecology and the property owner understand the frustration nearby residents have with this property staying vacant for so long. The proposed environmental covenant reflects additional data collected at the site since the RC was originally recorded in 1996 and will better protect human health and the environment. Replacing the RC will also allow this property to be redeveloped and allow new business to move in.

Ecology is not involved with the redevelopment beyond this covenant. We understand that the current structure may be kept for the future use of the property, and will be rehabilitated. Please let me know if you have any further comments or questions.

Thank you,

David

Comment from: Manuela Noske – 8/25/23

I have received and carefully read the Toxics Cleanup Program publication 23-09-195 relating to the Texaco 211544 Cleanup Site. While I thank you for the information you shared, I have to say that despite holding a Ph.D., the language in this newsletter is so obscure that it's hard to understand what the proposed plan of action actually is and how it impacts residents of the neighborhood. What does it mean to release restrictions on the Property related to Texaco 211544? What kinds of restrictions exist, limiting the use of the property in what way? I suspect that the ultimate goal is to make this property available for development, is that so? If you go through the trouble of putting together this publication, I would suggest that you work with an editor who can relate the information in such a way that your audience (ordinary residents of the Greenwood neighborhood) are enabled to understand. Thanks!

Response:

Hello Manuela,

Thank you for your interest and comment regarding the Texaco 211544 Site. I apologize for the lack of clarity in our Fact Sheet. Ecology strives to relate information about cleanups in a clear and understandable manner. We do have an internal review process for public comment documents, but this turned out to be a difficult site to explain clearly, even internally at Ecology. We will use your feedback to further improve communications with the public.

You are correct that there are plans to redevelop this property. The main thing to understand about why we are superseding the existing Restrictive Covenant (RC) with a new Environmental

Covenant (EC) has to do with the definition of a “Site” vs a “Property”. Washington State’s cleanup law, the [Model Toxics Control Act \(MTCA\)](#) defines a “Site” as anywhere contamination has come to be located, independent of property boundaries. Property is defined based on county tax parcels. In the case of 8701 Greenwood Avenue N, the most recent data indicate that the Property is affected by two Sites, Texaco 211544 and SMI Inc. Trust.

Current restrictions on the 8701 Greenwood Ave N Property require that the property owner document any removal of contaminated soil, sample a monitoring well on an annual basis, and notify Ecology of any intent to sell the property. The complete RC is available here: <https://apps.ecology.wa.gov/cleanupsearch/document/95203>

The RC we are proposing to supersede was originally drafted to contain contamination related to releases of hazardous materials from the Texaco 211544 site, which were historically located on the southern portion of the 8701 Greenwood Ave N Property. During investigations conducted from 2020 to 2022, it was demonstrated that the RC was no longer necessary as contamination related to the Texaco 211544 Site met cleanup standards.

The proposed EC releases these restrictions relating to the Texaco 211544 Site since it meets cleanup standards defined in MTCA. Contamination related to the SMI Inc. Trust Site remains on the 8701 Greenwood Ave N property. Ecology determined that this contamination does not pose a threat to human health or the environment with the following restrictions on use of the property described in the draft EC:

- The area indicated on the figure (restricted area) in the fact sheet may not be disturbed or excavated without prior approval from Ecology. If major ground disturbance is proposed, Ecology will require that the contamination be removed.
- The protective cap, consisting of asphalt, must be inspected on an annual basis and its condition reported to Ecology. The property owner must report any damage to the cap to Ecology and make repairs as soon as possible.
- Groundwater may not be withdrawn from the property for any purpose other than remediation.
- Any new stormwater infrastructure in the restricted area must not allow surface water to infiltrate to the soil.

I hope that explanation provides a little more clarity about the current status of the 8701 Greenwood Ave N property. Please don’t hesitate to reply to this email or call the cell number listed in my signature if you have any further questions or comments.

Thank you,

David

Comment from: Alison Pieper – 8/25/23

The mailer mentions that higher concentrations of hydrocarbons have been located on the northern side of the parcel, possibly connected with the 8733 Greenwood Ave parcel. Is this due to groundwater transport of these contaminants, and if so, would it make sense to expect

more contamination to enter the Texaco 211544 site from the north and spread further south? It seems like removing the current Restrictive Covenant without addressing this potential inflow of contaminants might be premature. Thank you for your response. P.S. It would also be appreciated if an easier-to-type hyperlink was included in the mailings for posting online comments compared to the current address.

Response:

Hello Alison,

Thank you for your interest and comment regarding the Texaco 211544 Site. I like your suggestion to simplify the online comment link, I will see if that is something we can do in the future!

Soil and groundwater sampling data collected from 2020 to 2022 indicate that groundwater is not affected by releases from the SMI Inc. Trust Site. Our best assumption is that this contamination migrated to soil directly from the source. More detailed information regarding contamination at the site is available in the following documents:

- Ecology's No Further Action Likely Opinion Letter, published February 3, 2023: <https://apps.ecology.wa.gov/cleanupsearch/document/121498>
- Texaco 211544 Model Remedy Site Closure Report, dated November 11, 2022: <https://apps.ecology.wa.gov/cleanupsearch/document/118842>

Ecology has also required restrictions on the property in the Environmental Covenant which will replace the Restrictive Covenant. These restrictions include:

- The area indicated on the figure (restricted area) in the fact sheet may not be disturbed or excavated without prior approval from Ecology. If major ground disturbance is proposed, Ecology will require that the contamination be removed.
- The protective cap, consisting of asphalt, must be inspected on an annual basis and its condition reported to Ecology. The property owner must report any damage to the cap to Ecology and make repairs as soon as possible.
- Groundwater may not be withdrawn from the property for any purpose other than remediation.
- Any new stormwater infrastructure in the restricted area must not allow surface water to infiltrate to the soil.

Please feel free to reply to this email or call the cell number listed in my signature if you have any further questions or comments.

Thank you,

David

Comment from: Kurtis Bonholzer – 8/26/23

Hello. I read the mailed brochure today. I would like to know where I can learn more about a few things mentioned. 1) The environmental covenant will require containment of the contamination related to SMI Inc. Trust Site and we'll release restrictions on the property related to the Texaco 211544 site. What is the proposed containment work? What are the current restrictions on the property related to Texaco 211544? 2) SMI Inc Trust Site. Where to learn more about what Ecology identifies as hazardous about this site?

Response:

Hello Kurtis,

Thank you for your interest and questions regarding the Texaco 211544 Site. Ecology has reviewed the most recent data available for the 8701 Greenwood Ave N Property and has determined that contamination related to the Texaco 211544 site no longer poses a threat to human health or the environment.

The current restrictions on the property are specific to the Texaco 211544 Site and specify the following:

- Contaminated soil removed from the Texaco 211544 site must be reported to Ecology and an amendment filed to record any remaining contamination on the Property.
- Groundwater must be sampled annually for five years from a monitoring well located on the southwest corner of the property to confirm groundwater is not contaminated.
- The owner of the property must notify Ecology of their intent to sell the property.

The full text of the existing restrictive covenant is available here:

<https://apps.ecology.wa.gov/cleanupsearch/document/95203>

Ecology has determined that contamination on the 8701 Greenwood Ave N property related to the SMI Inc. Trust site does not pose a threat to human health or the environment with the following proposed restrictions on the property:

- The area indicated on the figure (restricted area) in the fact sheet may not be disturbed or excavated without prior approval from Ecology. If major ground disturbance is proposed, Ecology will require that the contamination be removed.
- The protective cap, consisting of asphalt, must be inspected on an annual basis and its condition reported to Ecology. The property owner must report any damage to the cap to Ecology and make repairs as soon as possible.
- Groundwater may not be withdrawn from the property for any purpose other than remediation.
- Any new stormwater infrastructure in the restricted area must not allow surface water to infiltrate to the soil.

Ecology does not have much information regarding the SMI Inc. Trust Site. Minimal investigations have taken place at 8733 Greenwood Ave N. Additional information and documents related to this site are available on the SMI Inc. Trust webpage:

<https://apps.ecology.wa.gov/cleanupsearch/site/4350>

Please reply to this email or call the cell phone listed in my signature if you have any further questions or comments.

Thank you,

David

Comment from: Timothy Jordan 9/3/23

It would be beneficial to clean up the possible contamination of the area and build a multi use building similar to the one on the other side of Greenwood Ave N. Condos with a grocery store, restaurants, coffee shops and if possible buy out the rundown house north of the site. A vast improvement is needed for this area! Also the alley and drainage along with improvements to the sidewalks would be much needed. Thank you.

Timothy Jordan

Seattle WA

Response:

Hello Timothy,

Thank you for your interest and comment regarding the Texaco 211544 cleanup site. Ecology and the property owner understand the frustration nearby residents have with this property staying vacant for so long. Ecology understands that the current structure may be kept for the future use of the 8701 Greenwood Ave N property and will be rehabilitated. Unfortunately, 8733 Greenwood Ave N property, located to the north, is not part of this redevelopment. Ecology is not involved with the redevelopment of the 8701 Greenwood Ave N property beyond cleanup actions for contamination.

In the event that major construction and ground disturbance is proposed as part of redevelopment for this site, Ecology will require that remaining contamination on the 8701 Greenwood Ave N property be removed. Please let me know if you have any further comments or questions.

Thank you,

David

Comment from: Kristine Antonsen 9/8/23

Hi David,

I'm here to provide a public comment that the restrictive covenant on Texaco 211544 Cleanup Site should be superseded as investigations at the site from 2020-2022 indicated that soil and groundwater on the property related to Texaco 211544 site meet Model Toxics Control Act (MTCA) cleanup standards and that the RC is no longer necessary.

Thank you,

Kristine

--

Kristine Antonsen

She/her pronouns

Response:

Thank you for your comment.

Comment from: Jonathan Betz-Zall 8/12/23

Thank you for your vigilance in protecting our watershed from this source of contamination. I agree that the Restrictive Covenant should be superseded in order to uphold higher standards of protection, especially for the groundwater that flows through the area. I hope that whatever new building activity occurs on the site will adhere to the highest standards of environmental responsibility.

Response:

Thank you for your comment.

Comment from: Henry Quiroga 8/12/23

Yes, please move forward in cleaning up the site. Thank you!

Response:

Thank you for your comment.

Comment from: Sydney Price 8/21/23

The existing RC should be superseded and be replaced with a new environmental covenant.

Response:

Thank you for your comment.

Appendices

Appendix A. Public comments in original format

From: [mike mcadams](#)
To: [Unruh, David \(ECY\)](#)
Subject: 8701 Greenwood / Texaco 211544
Date: Friday, August 11, 2023 17:48:25

David,

I received an Ecology letter/memo today about 'Texaco 211544 Cleanup Site'. Would there be any chance I can get the consultants report (or ecology's report) that makes the conclusion:

"contamination in this portion of the Property appears to be related to the SMI Inc. Trust facility"

I'd imagine that the report will describe in better detail where samples were taken, where water table depths are, past history and what was found at the site than the notification attempts.

Thanks,
Mike

PS - I see a picture in the pamphlet that portrays soil sampling happening offsite of the property (or maybe within road rite of way / easement). I find the picture and map dropped into the pamphlet fairly odd. First there is no discussion of context for map or picture. Second, the contamination plume marked on the map is essentially as far away as you can get on the property from the picture location (a more compelling picture would be sampling at the actual plume location). Third, the soil sample location picture is taken of a spot not even represented on the map.

From: [PATRICIA MALONE](#)
To: [Unruh, David \(ECY\)](#)
Subject: Texaco 21544 Cleanup Site
Date: Saturday, August 12, 2023 14:32:15

I am giving feedback about the Texaco Site at 8701 Greenwood Ave North in Seattle. I live in the neighborhood. I definitely think that the old Restrictive Covenant should be superseded with a new one to prevent developers from going into that site until it is cleaned up or whatever needs to happen, especially because it is likely to be housing that would go in that site but no matter what they should not just be allowed to go in there until assurances are made that there is nothing leaking into the ground water or the environment.

I am pretty upset with all the building and homeless encampments around this area because when the Fred Meyer project was being developed back before they started the remodel in 2012 that entire project discussion was based on the fact that the Piper Creek Watershed needed to be protected. At least that is what I thought. So there were supposed to be protected wetlands around that site. But the city doesn't seem to care about protecting that area now and it is upsetting to see.

So the last thing we need is to have a site such as this ignored and it sounds like perhaps this is why this is coming up because someone wants that original covenant lifted without replacing it so that site can be developed. Am I wrong?

Anyway I am in favor of whatever the state department of ecology wants to do. We need to protect the environment.

Patricia Malone

Amanda Milstein

If the soil needs to be cleaned up, clean it up. We will gladly volunteer to help with the clean up if it moves things along faster. But this site needs to be developed: Greenwood needs more mixed use for mom&pop shops and affordable housing, and this is at a major intersection. It cannot continue to sit vacant, it harms the community. Tax us, solicit volunteers, do whatever is needed to get the cleanup done so someone can build.

Jessica Roberto

I am generally fine with lifting the covenant so long as Ecology is extra dutiful to ensure that the contamination from the adjacent site is fully blocked from continuing to seep onto this site. From my understanding, there are plans for a childcare center to be built here and I am concerned about the public health implications for such a susceptible population.

Sharon Holt

For the lay person, I find the mailer confusing. As I read it, the proposal is to replace the existing RC for the Texaco site because the soil and groundwater meet MTCA cleanup standards even though -1-contaminated soil containing diesel-range petroleum hydrocarbons at concentrations greater than those allowed by MTC was discovered in the northern portion of the property. . .appears to be related to the SMI Inc. Trust facility. . .-1- So how is the northern contamination going to be mitigated? This is not explained in the mailer. Someone can build on this site and not be concerned with the northern portion of the property? Please explain. It would seem that we should error on the side of the utmost caution and prudence when cleaning up polluted properties. This is in the public interest. Yes, a hassle for the developer, but it's best for the common good.

Greg Berft

If superseding the existing RC- will allow for tearing down that Walgreens then I am all for it. If not then leave existing RC in place.

The current structure is an eyesore to the neighborhood and needs to be torn down-please!

Manuela Noske

I have received and carefully read the Toxics Cleanup Program publication 23-09-195 relating to the Texaco 211544 Cleanup Site. While I thank you for the information you shared, I have to say that despite holding a Ph.D., the language in this -1-newsletter-1- is so obscure that it's hard to understand what the proposed plan of action actually is and how it impacts residents of the neighborhood. What does it mean to -1-release restrictions on the Property related to Texaco 211544-1-? What kinds of restrictions exist, limiting the use of the property in what way? I suspect that the ultimate goal is to make this property available for development, is that so? If you go through the trouble of putting together this publication, I would suggest that you work with an editor who can relate the information in such a way that your audience (ordinary residents of the Greenwood neighborhood) are enabled to understand. Thanks!

Alison Pieper

The mailer mentions that higher concentrations of hydrocarbons have been located on the northern side of the parcel, possibly connected with the 8733 Greenwood Ave parcel. Is this due to groundwater transport of these contaminants, and if so, would it make sense to expect more contamination to enter the Texaco 211544 site from the north and spread further south? It seems like removing the current Restrictive Covenant without addressing this potential inflow of contaminants might be premature.

Thank you for your response.

P.S. It would also be appreciated if an easier-to-type hyperlink was included in the mailings for posting online comments compared to the current address.

Kurtis Bonholzer

Hello.

I read the mailed brochure today. I would like to know where I can learn more about a few things mentioned.

1) -1-The environmental covenant will require containment of the contamination related to SMI Inc. Trust Site and we'll release restrictions on the property related to the Texaco 211544 site.-1-

What is the proposed containment work?

What are the current restrictions on the property related to Texaco 211544?

2)SMI Inc Trust Site.

Where to learn more about what Ecology identifies as hazardous about this site?

From: [T J](#)
To: [Unruh, David \(ECY\)](#)
Subject: Re: Texaco211544 cleanup site
Date: Tuesday, September 5, 2023 10:16:43

David

Thank you for your response. I and other property owners at 8745 Greenwood Avenue North are concerned about the safety of the area due to the homeless vandalizing the site and leaving trash there as well. Thank you for your help in redeveloping the site.

Timothy Jordan

On Tue, Sep 5, 2023, 9:11 AM Unruh, David (ECY) <dunr461@ecy.wa.gov> wrote:

Hello Timothy,

Thank you for your interest and comment regarding the Texaco 211544 cleanup site. Ecology and the property owner understand the frustration nearby residents have with this property staying vacant for so long. Ecology understands that the current structure may be kept for the future use of the 8701 Greenwood Ave N property and will be rehabilitated. Unfortunately, 8733 Greenwood Ave N property, located to the north, is not part of this redevelopment. Ecology is not involved with the redevelopment of the 8701 Greenwood Ave N property beyond cleanup actions for contamination.

In the event that major construction or ground disturbance is proposed as part of redevelopment for this site, Ecology will require that remaining contamination on the 8701 Greenwood Ave N property be removed. Please let me know if you have any further comments or questions.

Thank you,

David

David Unruh, LG (he/him) | Department of Ecology | Toxics Cleanup Program | Site Manager

Cell: 206.459.6287 | Fax: 206.366.7810 | david.unruh@ecy.wa.gov

PO Box 330316, Shoreline, WA, 98133-9716

From: T J
Sent: Sunday, September 3, 2023 14:12
To: Unruh, David (ECY) <dunr461@ECY.WA.GOV>
Subject: Texaco211544 cleanup site

It would be beneficial to clean up the possible contamination of the area and build a multi use building similar to the one on the other side of Greenwood Ave N. Condos with a grocery store, restaurants, coffee shops and if possible buy out the rundown house north of the site. A vast improvement is needed for this area! Also the alley and drainage along with improvements to the sidewalks would be much needed. Thank you.

Timothy Jordan

From: [Kristine Antonsen](#)
To: [Unruh, David \(ECY\)](#)
Subject: Public comment on Texaco 211544 Cleanup Site
Date: Friday, September 8, 2023 12:06:34 PM

Hi David,

I'm here to provide a public comment that the restrictive covenant on Texaco 211544 Cleanup Site should be superseded as investigations at the site from 2020-2022 indicated that soil and groundwater on the property related to Texaco 211544 site meet Model Toxics Control Act (MTCA) cleanup standards and that the RC is no longer necessary.

Thank you,

Kristine

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Kristine Antonsen

She/her pronouns

Jonathan Betz-Zall

Thank you for your vigilance in protecting our watershed from this source of contamination. I agree that the Restrictive Covenant should be superseded in order to uphold higher standards of protection, especially for the groundwater that flows through the area. I hope that whatever new building activity occurs on the site will adhere to the highest standards of environmental responsibility.

Henry Quiroga

Yes, please move forward in cleaning up the site. Thank you!

Sydney Price

The existing RC should be superseded and be replaced with a new environmental covenant.