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**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Region Office

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January 10, 2024

Geoff Lakman
Lake Street Mall LLC
613 Market St
Kirkland, WA 98033-5422
(geoff@lakeshorecorp.com)

RE: Notice of Periodic Review Conducted at the following Cleanup Site:

- Name: Panda Dry Cleaners
- Address: 17424 Highway 9, Building B, Unit 6, Snohomish, WA 98296
- Facility/Site No.: 6415888
- Cleanup Site No.: 4139
- Former Voluntary Cleanup Program Project No.: NW1588

Dear Geoff Lakman:

The Model Toxics Control Act (MTCA), Chapter 70A.305 Revised Code of Washington, which governs the cleanup of hazardous waste sites in Washington State, requires the Department of Ecology (Ecology) to conduct a periodic review approximately every 5 years for cleanup sites with institutional controls (an environmental or restrictive covenant) and a 'No Further Action' (NFA) status. This letter serves to inform you that a periodic review has been conducted at the Panda Dry Cleaners cleanup site (Site).

Periodic Review

The purpose of the periodic review is to evaluate whether human health and the environment are being protected at the Site. The complete findings and conclusions of the periodic review are provided in the attached report. Select portions of the periodic review's conclusions are summarized below.

- The horizontal and vertical extent of residual contaminated soil and potentially affected groundwater has not been fully delineated. The restrictive covenant is only protective of soil beneath the subject property and does not apply to other potentially impacted media at the subject property, or any potential 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.

- 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: Investigation and Remedial Action*. 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.
- Additional characterization work is needed to delineate the extent of chlorinated solvents in soil, soil vapor, and groundwater beneath adjacent properties and adjacent tenant spaces.

Potential NFA Rescission

Based on the incomplete Site characterization and the potential impacts to soil, soil vapor, and groundwater that are not mitigated by the restrictive covenant, Ecology concluded in the periodic review that the November 13, 2006 Site NFA determination should be rescinded.

Ecology recommended that the property owner re-enroll in the [Voluntary Cleanup Program \(VCP\)](#)¹ to present additional investigation results so that the protectiveness of the remedy can be fully assessed. The VCP helps property owners who are independently cleaning up their site by providing technical assistance on planned and completed investigations and cleanups for a fee.

Response to Your Request to Postpone NFA Rescission Decision

You indicated that you will conduct the additional investigations at the Site and enroll in the VCP, as recommended in the periodic review. You requested that Ecology postpone the decision to rescind the 2006 Site NFA, pending the results of the investigations.

Ecology agrees to postpone the decision to rescind the 2006 Site NFA until we review your investigation results, with the following conditions:

- A VCP application and work plan are submitted within 2 months of the date of this letter;
- The investigation results are submitted within 6 months of Ecology's concurrence with the work plan; and
- You stay active in VCP and respond to any requests for additional information or data.

Please contact Sonia Fernández at the email provided below regarding applying to the VCP. Please note there is currently a waitlist to be assigned an Ecology site manager, so there will be a delay between when you apply to VCP and when a site manager reviews your work plan.

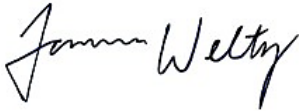
¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanups/Voluntary-Cleanup-Program>

Restrictive Covenant

The restrictive covenant was recorded with King County on October 24, 2006 and remains active. The covenant prohibits activities that may result in the release or exposure of contaminants that remain on the property (such as excavation or redevelopment), unless Ecology's approval is obtained in advance. The covenant also requires notification to Ecology when conveying any interest in the property. It is the property owner's responsibility to continue to inspect the property to ensure that the integrity of the 2006 remedy is maintained, in accordance with the covenant.

If you have any questions regarding this letter or the periodic review, please contact the periodic reviewer Tamara Welty by email at tamara.welty@ecy.wa.gov or by phone (425) 256-1449.

Sincerely,

A handwritten signature in black ink that reads "Tamara Welty". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Tamara Welty, LG, LHG
Toxics Cleanup Program, NWRO

Enclosures: Periodic Review Report

cc: Sonia Fernández, VCP Coordinator, NWRO (sonia.fernandez@ecy.wa.gov)
 Nick Treat, VCP Unit Supervisor, NWRO (nick.treat@ecy.wa.gov)
 Donna Kirkman, Acting VCP Unit Supervisor, NWRO (donna.kirkman@ecy.wa.gov)
 Kim Wooten, TCP Section Manager, NWRO (kim.wooten@ecy.wa.gov)