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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

July 25, 2024

Geoff Lakman  
Lake Street Mall, LLC  
613 Market St  
Kirkland, WA 98033  
([geoff@lakeshorecorp.com](mailto:geoff@lakeshorecorp.com))

**Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:**

- **Site Name:** Panda Dry Cleaners
- **Site Address:** 17408 State Route 9 SE, Sammamish, WA 98296
- **Facility/Site No.:** 6415888
- **Cleanup Site ID No.:** 4139
- **VCP Project No.:** NW3395

Dear Geoff Lakman:

The Washington State Department of Ecology (Ecology) received your request for an opinion on work planned the Panda Dry Cleaners facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

#### Issue Presented and Opinion

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Does the proposed Work Plan *Site Characterization Work Plan*, dated July 15, 2024 (*July 2024 Work Plan*) meet the stated objectives with respect to Site data gaps?

**YES. Ecology has determined that the work plan is sufficient to document the current extent of contamination at the Site. Depending on the results of the investigation, further work may be necessary to determine the complete extent of contamination at the Site.**

#### Description of the Site

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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) into the Soil.

**Enclosure A** includes a detailed description and diagrams 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(s) associated with this Site are affected by other sites.

### **Basis for the Opinion**

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

1. Floyd | Snider, *Re: Site Characterization Work Plan*, July 15, 2024.
2. Ecology, *Technical Assistance Email on Site Characterization Work Plan Comments*, July 3, 2024.
3. Ecology, *First Periodic Review, Panda Dry Cleaners, 17424 Highway 9, Building B, Unit 6, Snohomish, Washington*, December 31, 2023.
4. Ecology, *No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site: Panda Dry Cleaners, 17424 SR 9 S.E., Snohomish, WA*, November 13, 2006.
5. Clearview Plaza, LLC, *Restrictive Covenant, Panda Dry Cleaners – Clearview Plaza, Snohomish County, WA*, Recorded document number 200610240428, October 24, 2006.
6. URS Corporation (URS), *Letter Report, Assessment of Environmental Conditions, Panda Dry Cleaners (TCP ID #1588), Clearview Plaza, Snohomish, Washington*, July 13, 2006.
7. LandAmerica Assessment Corporation (LandAmerica), *Phase II Limited Subsurface Investigation Report, Clearview Plaza, 17408 Highway 9, Snohomish WA*, August 8, 2005.
8. LandAmerica, *Phase I Environmental Site Assessment, Clearview Plaza, 17408 Highway 9, Snohomish, Washington*, June 30, 2005.

A number of these documents are accessible in electronic form from the [Site web page](https://apps.ecology.wa.gov/cleanupsearch/site/4139)<sup>1</sup>. The complete records are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Visit our [Public Records Request page](https://ecology.wa.gov/publicrecords)<sup>2</sup> to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or 360-407-6040.

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

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

<sup>2</sup> <https://ecology.wa.gov/publicrecords>

## Analysis and Opinion

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Based on a review of the *July 2024 Work Plan*, Ecology has determined:

- Ecology concurs that the proposed boring locations are sufficient to characterize the extent of contamination in soil at the Site based on current understanding of the Site. As discussed in the *July 2024 Work Plan*, if soil sampling results from angled borings FS-2, FS-4, and FS-6 indicate that contamination remains above the Method A cleanup level, further angled borings and/or indoor borings may be necessary to delineate the extent of soil contamination below adjacent businesses.
- Ecology concurs with the proposed groundwater sample locations and methodology. Based on findings from nearby cleanup sites, the groundwater flow direction at the Site may be oriented to the west-southwest. In the event that PCE or breakdown products trichloroethylene (TCE); cis-1,2-dichloroethene (DCE); and vinyl chloride (collectively CVOCs) are present in groundwater samples above their respective Method A or Method B cleanup levels, Ecology recommends installing a minimum of three permanent monitoring wells at the Site.
- Ecology concurs with the proposed vapor intrusion (VI) evaluation at the Property. In addition to the triggers for contingency actions discussed in the *July 2024 Work Plan* for adjacent businesses, evaluation of the groundwater to soil vapor pathway is necessary. If groundwater samples collected from FS-1, FS-5, or FS-7 contain CVOCs above their respective Method B VI screening levels for unrestricted use, the contingency sampling plans for adjacent businesses discussed in the *July 2024 Work Plan* will be necessary, even if CVOCs do not exceed the Method B cleanup level in the indoor air sample collected from the former dry cleaner space.

Ecology also recommends additional clarification of the area of the former dry cleaner suite which was coated with the vapor-resistant sealant. Ecology's 2006 NFA letter and the *July 2024 Work Plan* state that "...the concrete floor around the dry cleaning and chemical storage areas was sealed...". From this description, it is unclear whether the entire floor of the suite has been adequately sealed to prevent vapor intrusion.

Further information on evaluation of the vapor intrusion pathway and screening levels are available in Ecology's [Guidance for Evaluating Vapor Intrusion in Washington State: Investigation and Remedial Action](#)<sup>3</sup>, revised March 2022 and [Cleanup Levels and Risk Calculation](#)<sup>4</sup> spreadsheet, revised February 2024.

- In the event that investigations show that contamination extends beyond the tenant space formerly occupied by the dry cleaners and/or an exposure pathway not protected by the existing Restrictive Covenant exists at the Site, Ecology will work with you to develop cleanup alternatives including amending the existing institutional controls as necessary.

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<sup>3</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/0909047.html>

<sup>4</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/contamination-clean-up-tools/clarc>

- A Terrestrial Ecological Evaluation (TEE) has not been conducted for the Site. A TEE is required per WAC 173-340-7490 to determine if cleanup levels protective of wildlife, plants, and soil biota are applicable at the Site. The first step is to determine if the Site qualifies for an exclusion from the TEE process. A [TEE Form](#)<sup>5</sup> is necessary to document your evaluation of the need for a TEE at the Site.

Ecology appreciates your initiative in conducting additional characterization work at the Site. We look forward to working with you to ensure that conditions at the Site remain protective of human health and the environment.

### **Limitations of the Opinion**

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#### **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 70A.305.040(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 performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080 and WAC 173-340-545.

#### **3. 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).

### **Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not

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<sup>5</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY090300.html>

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hesitate to request additional services as your cleanup progresses. 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/vcp](http://www.ecy.wa.gov/vcp). If you have any questions about this opinion, please contact me by phone at 206-459-6287 or email at [david.unruh@ecy.wa.gov](mailto:david.unruh@ecy.wa.gov).

Sincerely,



David Unruh  
Site Manager  
Toxics Cleanup Program, NWRO

Enclosures (1): A – Site Description, History, and Diagrams

cc: Kristin Anderson, Floyd|Snider, ([Kristin.Anderson@floydsnider.com](mailto:Kristin.Anderson@floydsnider.com))  
Nathan Schachtman, Floyd|Snider ([Nathan.Schachtman@floydsnider.com](mailto:Nathan.Schachtman@floydsnider.com))  
Sonia Fernández, VCP Coordinator ([vcp-nwro@ecy.wa.gov](mailto:vcp-nwro@ecy.wa.gov))

# Enclosure A

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Site Description, History, and Diagrams

## Site Description

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*This section provides Ecology's understanding and interpretation of Site conditions, and is the basis for the opinions expressed in the body of the letter.*

### Site

The Site is defined by tetrachloroethylene (PCE) released into soil at 17408 Highway 9 in Snohomish, Snohomish County, Washington (**Figure 1**).

The Site is located on the west side of Highway 9. It is located on at least one irregularly-shaped tax parcel totaling 0.71 acres in area with the Snohomish County parcel number 27051100409400 (the Property; **Figure 2**).

### Area and Property Description

The Site is located in a commercial area in Snohomish. The Property is currently developed as a strip mall. The portion of the strip mall that includes the Property includes a 9,055-square-foot building consisting of six tenant suites. Tenant spaces are used for restaurants and retail businesses. The Property is bounded by the following:

- North: a grocery store with single-family residences beyond.
- East: a parking lot with Highway 9 beyond.
- South: retail, restaurant, and medical businesses with 176<sup>th</sup> Street beyond.
- West: a small parking lot with single-family homes beyond.

### Property History and Current Use

The Property was first developed between 1995 and 1997 with the current strip mall buildings. From 1996 to at least 2006, a dry-cleaning business operated in the northernmost tenant space on the Property (**Figure 1**). This tenant space is currently occupied by a smoke shop.

### Sources of Contamination

Releases of PCE at the Site appear to be related to the operation of the dry cleaners. Although the dry-cleaning machine was properly installed with secondary containment, the concrete floor of the tenant space was not properly sealed.

### Physiographic Setting

The Site is located within the Puget Sound Lowland Physiographic Province, a north-south trending structural and topographic depression that is bordered on its west side by the Olympic Mountains, and to the east by the Cascade Mountain foothills. The Puget Sound Lowland is underlain by Tertiary volcanic and sedimentary bedrock characteristic of a forearc depositional setting. It has been filled to the present-day land surface with Pleistocene-aged glacial and nonglacial sediments.

Repeated advances and retreats of the continental glaciers that flowed through the area out of Canada more than 10,000 years ago created the low, undulating plains that are characteristic of the Puget Sound Lowland. Current land surfaces reflect the changes that are directly related to the most recent glacial advance and retreat through the region, known as the Vashon Stade of the Fraser Glaciation.

The Site is located on relatively flat ground at an elevation of approximately 600 feet above mean sea level. The Snohomish River valley is located approximately 1.7 miles east of the Site.

### **Surface/Storm Water System**

The Site is located in unincorporated Snohomish County. Surface water runoff at the Property is captured in catch basins and detained in a vault before discharge to a swale northeast of the Property. The nearest surface water to the Site is an unnamed forested wetland located approximately 1500 feet northeast of the Site.

### **Ecological Setting**

The Property and surrounding properties to the north, east, and south are zoned for commercial use. Adjacent properties to the west are zoned for single-family residential use. Land surfaces at the Property are covered by buildings and asphalt and concrete pavement with some small, landscaped areas. A total of approximately 5.8 acres of undeveloped land are present within 500 feet of the Site to the north and west of the Property.

### **Geology**

The [geologic map](https://ngmdb.usgs.gov/ngm-bin/pdp/zui_viewer.pl?id=15938)<sup>6</sup> of the area indicates that the Site is underlain by Vashon Till, a dense diamict with varying amounts of sand, silt, and gravel. Boring logs for explorations advanced at the Site indicate that the Property is underlain by approximately 3 feet of fill consisting of brown medium sand. Fill at the site is underlain by light grey to light brown silt with sand and gravel to the maximum explored depth of 12 feet below ground surface (bgs), interpreted to be Vashon Till. Borings at the site were halted at 10-12 feet bgs due to refusal on dense soil and/or cobbles.

### **Groundwater**

During an investigation conducted in August 2005, groundwater was encountered at a depth of approximately 9 feet bgs. Groundwater flow directions have not been determined at the Site. However, measurements from the Texaco Star Mart 3706 Johnson Property (CSID 6971), located approximately 0.3 miles south of the Site, showed groundwater flow was oriented to the southwest.

### **Water Supply**

Drinking water at the Site is supplied by Cross Valley Water District (CVWD). Water in this portion of the CVWD is supplied by the City of Everett, which in turn sources its water from the Spada Reservoir, located approximately 22 miles northeast of the Site. The closest 10-year wellhead protection zone is located approximately 0.8 miles south of the Site.

### **Release and Extent of Contamination**

Subsurface investigations were conducted at the Site beginning in August 2005. A total of four borings were advanced to a maximum depth of 10 feet bgs (B-1 to B-4; **Figure 3**). Soil samples collected from 1-2 feet bgs from B-3 and B-4 contained PCE above the Method A cleanup level. Both samples were collected in close proximity to the location of the dry-cleaning machine. A groundwater sample was collected from a temporary well installed in B-1. The groundwater sample did not contain volatile organic compounds above their respective Method A or B cleanup levels, including PCE.

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<sup>6</sup> [https://ngmdb.usgs.gov/ngm-bin/pdp/zui\\_viewer.pl?id=15938](https://ngmdb.usgs.gov/ngm-bin/pdp/zui_viewer.pl?id=15938)



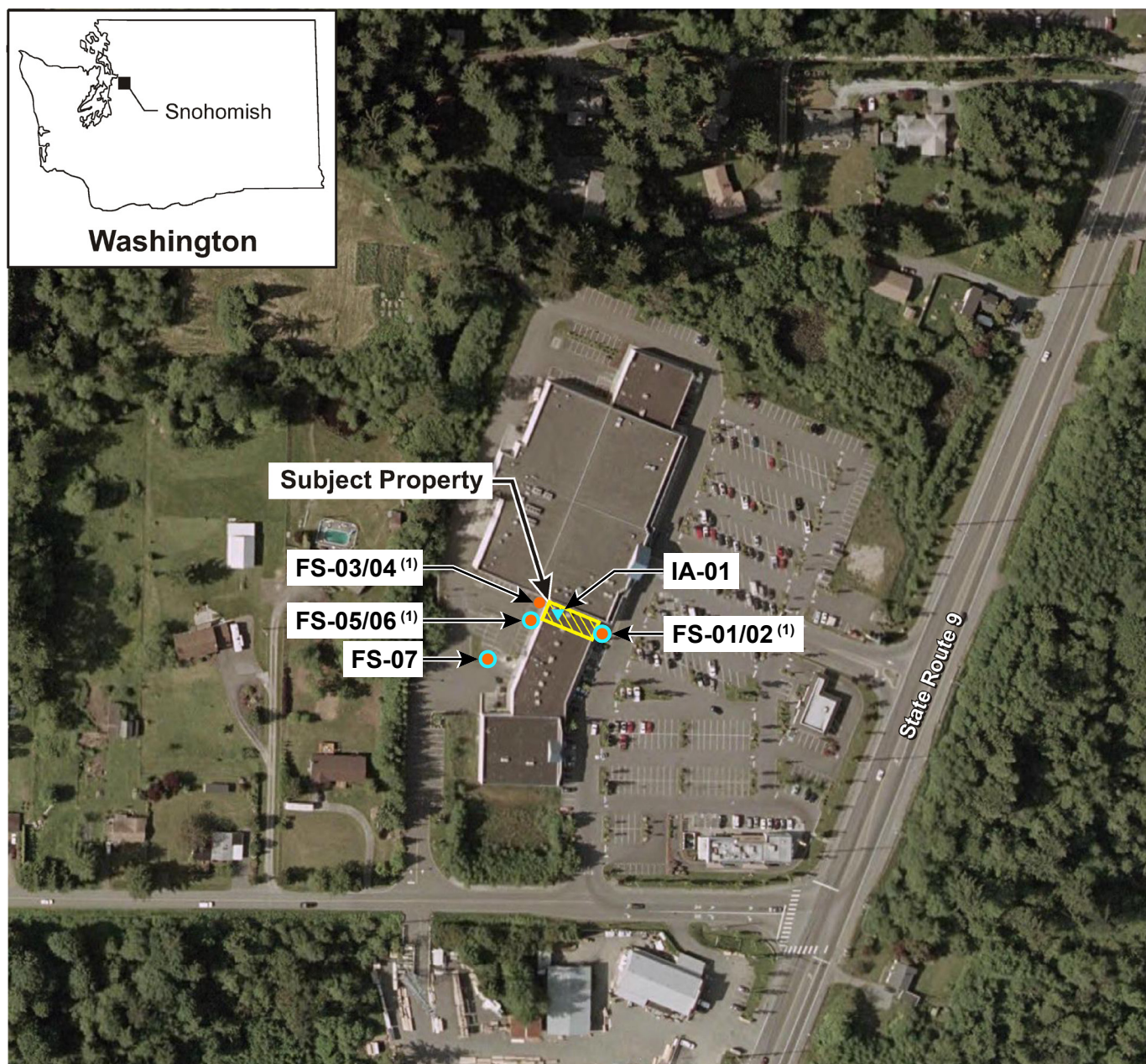
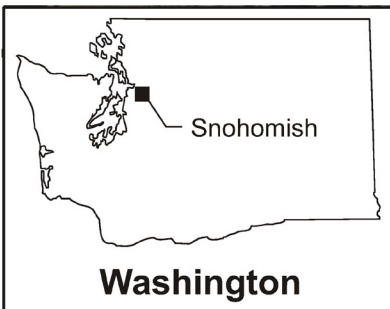
In October 2006, the concrete floor around the area of the dry-cleaning machine was sealed with a product resistant to both liquid- and vapor-phase solvents. Additionally, additional operational measures were implemented for the dry-cleaning process at the facility to reduce the likelihood of releases.

A restrictive covenant (RC) was recorded on the Property in 2006 to contain soil contamination at the Site. The RC imposes the following restrictions on the Property:

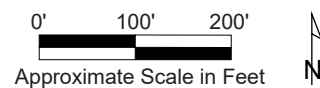
- The owner may not alter, modify, or remove the existing structure in the location of the dry cleaner in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
- Any activity on the Property that may interfere with the integrity of the remedial action and continued protection of human health and the environment is prohibited.
- 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 creation of a new exposure pathway, is prohibited without prior written approval from Ecology.
- The owner of the Property must give 30 days' advance written notice to Ecology of the owner's intent of convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the owner without adequate and complete provision for continued monitoring, operation, maintenance, of the remedial action.
- The owner must restrict leases to uses and activities consistent with the RC and notify all lessees of the restrictions on the use of the Property.

Following recording of the RC, Ecology issued a No Further Action (NFA) letter for the Site. Based on a periodic review of the Site completed in December 2023, Ecology found that the Site required further investigation to ensure the RC remains protective of contamination at the Property.









SOURCE: Google Earth Pro, 2005



## Legend

-  Former Panda Dry Cleaners Tenant Space
-  Proposed Soil Boring
-  Proposed Soil Boring and Grab Groundwater Sample
-  Proposed Indoor Air Sample

Note:

1. Location includes vertical and angled borings.

Enclosure A Figure 1

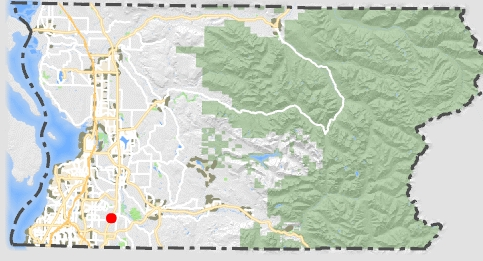
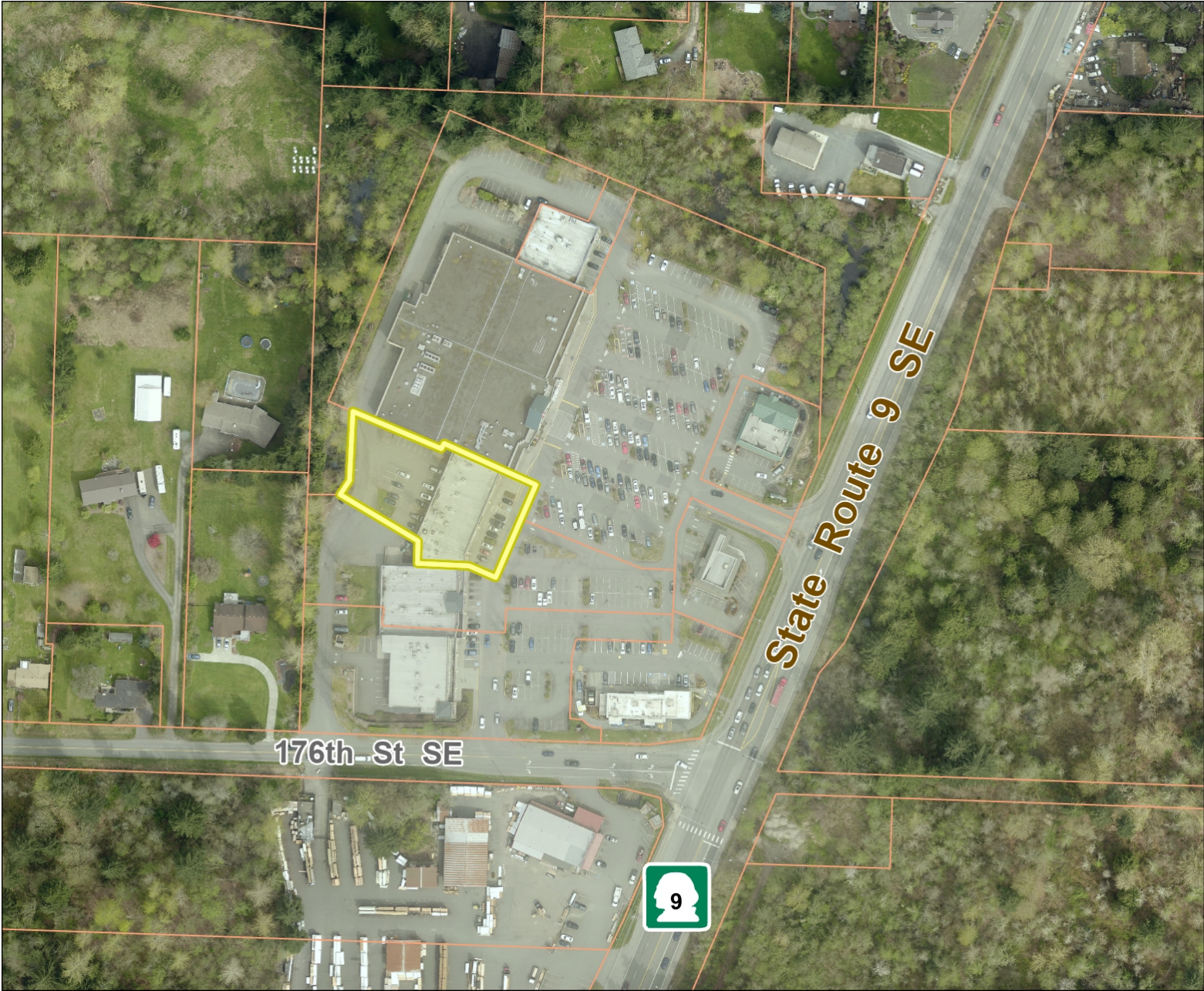
**FLOYD | SNIDER**  
strategy ■ science ■ engineering

**Site Characterization Work Plan  
Panda Dry Cleaners Site  
Snohomish County, Washington**

**Figure 1  
Site Vicinity Map and  
Proposed Sample Locations**



Panda Dry Cleaners - Tax Parcel Map



**Legend**

- Parcel Boundaries
- Property Boundary




**Street Types**

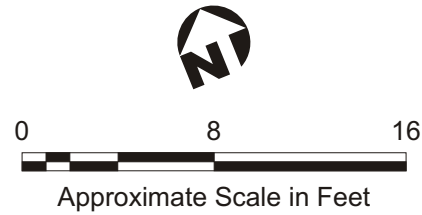
- Interstate
- State Route
- Local Road

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.



## LEGEND

-  Soil boring
-  Soil boring and grab water sample
-  Panda Cleaners (subject property)
- ND Not detected



Concentrations in parts per million

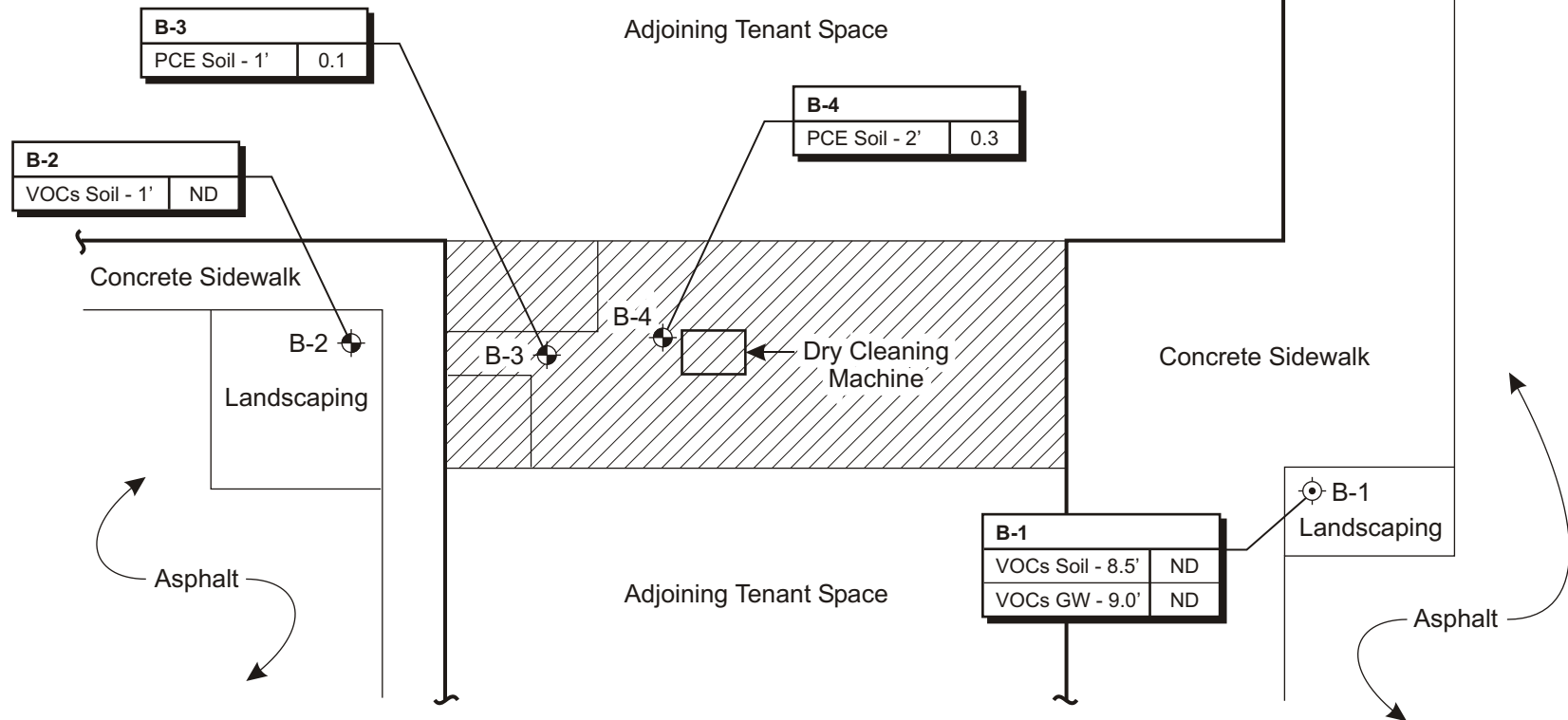


Figure 2  
**Boring Locations and Analytical Data**