

Ecopsy



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

February 3, 2026

Ken Tobias
402 S Lincoln St
Port Angeles, WA 98362
alpha@olyphen.com

**Re: Technical assistance for a Property associated with the following
Contaminated Site:**

Site name: Lincoln Square Apartments
Site address: 703 and 709 S Lincoln St, Port Angeles, Clallam County, WA
98362
Facility/Site ID: 1001
Cleanup Site ID: 52
VCP Project ID: SW1786

Dear Ken Tobias:

On October 17, 2025, the [Washington State Department of Ecology](#)¹ (Ecology) received your request for a written opinion regarding the sufficiency of your independent cleanup of the Lincoln Square Apartments facility (Site), under the [Voluntary Cleanup Program](#) (VCP).²

This letter provides our opinion and analysis under the authority of the [Model Toxics Control Act](#)³ (MTCA), chapter [70A.305](#)⁴ RCW. This technical assistance is provided under the requirements of WAC [173-340-515](#)⁵(5).

Background

Although the LSA is listed as a separate site under CSID 52, Ecology considers it appropriate to issue this opinion on the basis of an affected property within a larger site rather than as a stand-alone site. This is due to the known impacts to the Property appearing to be related to releases that occurred on other properties and not from an on-Property release.

For this opinion, it is important to distinguish between a “Site” and a “Property” under MTCA. A “Site” is defined by the area where a hazardous substance released to the environment has come to be located – the extent of contamination. A “Property” is simply the tax parcel(s) of real property that comprise a facility. Property boundaries are based on associated legal descriptions. As such, a site can affect multiple real property parcels, and a real property parcel can be part of multiple sites. A site can also be wholly contained within the real property parcel(s) comprising a Property.

For the purposes of this opinion, ‘Property’ refers to the two tax parcels associated with the Lincoln Square Apartments (LSA) facility, and ‘Site’ refers to extent of the comingled releases from up-gradient sources that have impacted soil, groundwater, air, and surface water beneath the Property.

Issue presented and opinion

This opinion addressed the following questions posed in the September 29, 2025, *Indoor Air Assessment* report (2025 Report).

- Proposed adjustments to standard MTCA Method B CULs for benzene and naphthalene in indoor air.
- Proposed EC components.

Upon recording an EC with Clallam County, Ecology has determined **no further remedial action will likely be necessary for the Property**; however, periodic inspection and monitoring will be required under the EC. Please also note that further remedial action is still needed to clean up contamination associated with the larger Site, including portions of the Property.

Property and Site description

This opinion applies to only the Property described herein and consists of the following real property parcels in Clallam County:

- Clallam County tax parcel 063000023040
N 64' LOTS 8 & 9 & W 10' OF N 64' LOT 7 BLOCK 230
- Clallam County tax parcel 063000023050
W10' OF S16' OF N80' & W5' OF S60' LOT 7 & S76' LOTS 8 & 9 BL 230

The Site is defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH) in the gasoline range (TPH-G) into the soil and groundwater.
- Volatile organic compounds (VOCs) including benzene, toluene, ethylbenzene, and xylenes (collectively, BTEX) and naphthalene into the soil and groundwater.
- VOCs including 1,2,4-trimethylbenzene (TMB), 1,2,3-TMB, and 1,3,5-TMB into the groundwater.
- Benzene and naphthalene into the air.

Appendix A includes supportive tables and diagrams, as currently known to Ecology. Refer to the previous VCP opinion letters⁶ for a Site/Property description and historical summary.

Two other facilities have affected the parcels of real property associated with the LSA, as listed below:

1. The [Round the Clock Deli Grocery](#)⁷ facility (FSID 63427274; CSID 6415), a former service station located across Lincoln Street to the southwest of the Property.
2. The [ARCO 5719](#)⁸ facility (FSID 67489663; CSID 10124), an operational service station and mini-mart located across 8th Street to the south-southwest of the Property.

Both of these facilities are located up-gradient from the Property and are associated with contamination that has affected, and continues to affect, the Property. Contamination from both of these facilities is associated with historical TPH releases from underground storage tanks (USTs) on their respective properties. This does not preclude other facilities from being identified as potential sources in the future. At this time, Ecology has not made any determinations of liability, including potentially liable person determination(s) related to the contamination present at the LSA Property. Ecology may make such determinations regarding the apparent upgradient sources in the future.

The contamination documented on the Property appears to be related to these, and potentially other, off-property releases and not to any confirmed or suspected on-Property release. Refer to Ecology's previous VCP opinions⁹ for a detailed summary of these sites as they relate to the LSA facility.

Basis for the opinion

Ecology bases this opinion on the information contained in the following documents:

1. Succeed Environmental Consulting, LLC (SEC), *Indoor Air Assessment*, September 29, 2025.
2. Ecology, No Further Action Likely VCP Opinion, April 21, 2025.
3. SEC, *Supplemental Subsurface Investigation Report*, August 16, 2024.
4. Ecology, Further Action VCP Opinion, May 1, 2023.

You can request these documents by filing a [records request](#).¹⁰ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040. Before making a request, check if the documents are available on [Ecology's Cleanup Site Search webpage](#).¹¹

This opinion is void if any information submitted to Ecology is materially false or misleading.

Analysis of the cleanup

Ecology has determined the following about your cleanup, based on review of the documents listed above.

Two rounds of indoor air sampling (May and September 2025) have been completed since the previous VCP opinion. For each sampling event, one indoor air sample was collected from each of the two apartment buildings on the Property. Samples designated IA-1 were collected from the southern apartment building, while those from the northern building are designated IA-2. In addition, an outdoor ambient air sample (designated BG-1 for each event) was collected concurrently with indoor air during both sampling events. Sample location maps and data summary tables are included in **Appendix A**.

First event:

For the samples collected in May 2025, benzene and naphthalene were detected above the MTCA Method B indoor air CUL at location IA-1. Benzene was also detected location IA-2,

but below the CUL. Benzene was also detected in the ambient background samples below the CUL, but naphthalene was not detected at the laboratory reporting limit.

Based on the results for sample IA-1, additional ventilation was installed in the ground-level apartment unit in an effort to “further enhance air turnover, create positive interior air pressure, and minimize potential intrusion.”¹²

Second event:

For the samples collected in September 2025, benzene and naphthalene were again detected above the CULs for location IA-1, but at lower concentrations. Both benzene and naphthalene were also detected above the CULs at location IA-2, but at lower levels than IA-1. Benzene and naphthalene were both detected in the outdoor ambient air samples, with the naphthalene concentration above the indoor air CUL.

Ecology notes that if the concentrations detected in the corresponding outdoor ambient air samples are subtracted from the indoor air values for each event, the benzene concentrations are below the standard Method B CUL (other than for the May 2025 sample collected prior to installation of the additional ventilation). Naphthalene, however, remains above the standard CUL for the samples collected at IA-1 even when adjusted based on the ambient background concentrations.

The 2025 Report suggests that the naphthalene concentrations detected in indoor air are attributable to ambient background.¹³ Based on the findings to-date, including ambient air with naphthalene above indoor air CULs, Ecology concurs that an ambient air contribution appears more likely than not. For future air sampling events, Ecology recommends subtracting the values detected in outdoor ambient air samples from the indoor air samples before comparing them to cleanup levels.

Ecology appreciates your efforts to address indoor air at the Property and is not requiring any additional air monitoring for the purpose of establishing an EC. However, Ecology is requesting additional assessment of potential sources of naphthalene (and other potential contaminants) that may be present within the apartment units being monitored in conjunction with the long-term air monitoring that will be required under the EC, as discussed below.

Alternative CULs:

The 2025 Report proposes modified Method B CULs for indoor air based on an alternative exposure scenario based on typical residential rental occupancy.¹⁴ Ecology generally concurs with use of alternative exposure periods based on rental occupancy, and that a site-specific indoor air CUL may be appropriate for the Site. However, given the likelihood of ambient air contributions to the concentrations detected in indoor air samples, modification of the standard CUL may not be necessary. Ecology recommends completing the monitoring required under the EC for the first 5-year period. Potential modified CULs can be reevaluated at that time.

2025 Report Proposals:

The 2025 Report included the following proposals:¹⁵

- *Adopt the proposed site-specific Method B cleanup levels for benzene and naphthalene. These recalculated levels are based on a six-year residential exposure assumption and are appropriate for a multi-family apartment setting.*

Ecology concurs that modified Method B CULs may be appropriate for the Site, but recommends completing additional evaluation and monitoring for the initial 5-year EC period before evaluating the need for modified CULs.

- *Incorporate background air impacts into the risk evaluation. Data from outdoor air samples indicate that ambient regional sources contribute to baseline VOC concentrations, particularly for naphthalene.*

Ecology concurs with adjusting indoor air sample values with concurrent ambient background.

- *Continue periodic monitoring to confirm long-term effectiveness of ventilation. Annual sampling is recommended to document air quality trends and verify that indoor air concentrations remain below levels of concern.*

Ecology concurs with air periodic monitoring but recommends sampling at 9-month intervals to document potential seasonal variations and provide more frequent evaluation of indoor air in residences (see EC section below).

- *Maintain and document operation of the existing ventilation systems in an EC. The covenant will ensure that engineering controls remain in place and functional for as long as needed.*

Concur. Please also include contingencies for repairs as needed. The same will be needed for drainage in crawl space, including water levels in sump and wells, as discussed in the EC section below.

Proposed EC:

The 2025 Report provides an initial draft of the proposed EC.¹⁶ Please note that the final draft EC package will need to be prepared using one of Ecology's EC templates, as discussed below.

The proposed EC includes the following general components:

- Restrictions on groundwater usage.
- Restrictions on ground surface disturbance.
- Annual Inspection of the ventilation system, sump, wells and pavement cap.
- Annual indoor and ambient monitoring.
- Measurement of water levels in wells and sump.

Ecology concurs with the general scope and content of the proposed EC but will need to review the full EC package prior to final acceptance.

Ecology offers the following comments on the proposed EC:

- Please note that the EC area must include the footprint of all areas where soil and/or groundwater contamination remains above Site CULs. Land surveys, maps and cross-sections showing the location of the remaining contamination relative to Site and Property features will need to be included in the EC.
- Please keep in mind that there may be utilities or other easements that may require subordination (or notification). Ecology recommends submitting your Title Report for review and assistance with identifying potential subordination or notification

needs for the Site. Note that the Title Report needs to be current within the last six months.

- Ecology requests that the first long-term air monitoring be performed within two months of the effective date of the EC, and then at 9-month intervals for the remainder of the first 5-year EC review period (7 events total) to account for potential seasonal variation and provide more frequent evaluation of indoor air in residences. In addition to air sampling, please include for each monitoring event:
 - Assessment of potential indoor sources in the units being monitored.
 - Documentation of meteorological conditions.
 - Assessment of air flow including manometer measurements.
- Long-term groundwater sampling is not required, but monitoring of water levels and inspection of existing wells needs to be included.
- Please note that any disturbance or penetration of the pavement cap (excavation, drilling, etc.) would require Ecology notification.
- You will need to submit your final draft EC package to Ecology for review and approval before filing with Clallam County. Please prepare your draft EC package using the template provided in [Ecology Procedure 440A](#),¹⁷ which provides guidance and templates for developing institutional controls and preparing ECs under MTCA (refer to WAC 173-340-440). The EC template is provided in the Procedure 440A document as Attachment C (Environmental Covenant for MTCA Sites: Instructions for Use and Covenant Template).
- Please also review the general EC requirements in **Appendix B**.

The EC will need to be both approved by Ecology and filed with Clallam County before a future NFA determination request will be considered. The performance of institutional and/or engineering controls and other EC requirements, such as long-term monitoring, are typically reviewed by Ecology at 5-year intervals. Additional information on EC requirements is provided in **Appendix B**. Please review these requirements and be sure to include all necessary materials and information with your draft EC. Ecology recommends submitting your draft EC and Plans for review prior to requesting a future NFA determination.

Please provide the draft EC in an editable word-processor compatible format to facilitate Ecology and Attorneys General Office review and comment. A Microsoft Word version of the EC template is available for download by following the Procedure 440A link provided above. Please be sure to include inspection, maintenance, and long-term monitoring plans as separate documents, not as enclosures to the EC. Include a contingency plan (currently the contaminated material management plan) describing actions to be completed if contaminated soil is encountered during any future subsurface work at the Site.

Finally, all Site data must be submitted, and accepted, to Ecology's EIM before Ecology will issue any future NFA determinations for the Site.

Limitations of the opinion

Opinion does not settle liability with the state

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion doesn't resolve or alter a person's liability to the state or 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\(4\)](#).¹⁸

Opinion does not constitute a determination of substantial equivalence

To recover remedial action costs from other liable persons under MTCA, one must demonstrate 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 would make that determination.

See RCW [70A.305.080](#)¹⁹ and WAC [173-340-545](#).²⁰

Opinion is limited to the planned cleanup

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

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\(6\)](#).²¹

Contact information

Thank you for choosing to clean up your Site under the VCP. If you have any questions about this letter, please contact me at (360) 999-9584 or dean.malte@ecy.wa.gov.

Sincerely,



Dean Malte, LG
Toxics Cleanup Program
Southwest Region Office
DM / kw

Appendices (2): A – Site Diagrams and Data
 B – General EC Requirements

cc by email: Andrew Blake, Succeed Environmental, ablake@succeed-env.com
Tim Mullin, LHG, Ecology, tim.mullin@ecy.wa.gov
Eric Walrath, City of Port Angeles Public Works, ewalrath@cityofpa.us
Wade Melton, Remediation Management Service Company, an affiliate of
Atlantic Richfield Company (ARCO), wade.melton@bp.com

cc by mail: AYUSH & ANSH INC III, ARCO property owner, via mail²²
8th Street Properties LLC, RCDG property owner per Clallam County,
via email²³
Ecology Site File

¹ <https://ecology.wa.gov/>

² <https://ecology.wa.gov/vcp>

³ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

⁵ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-515>

⁶ Ecology, Further Action VCP Opinion, May 1, 2023

⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/6415>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/site/10124>

⁹ Ecology, Further Action VCP Opinion, May 1, 2023

¹⁰ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

¹¹ <https://apps.ecology.wa.gov/cleanupsearch/site/52>

¹² Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Section 3.0

¹³ Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Section 4.1

¹⁴ Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Section 4.2

¹⁵ Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Section 5.0

¹⁶ Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Appendix B Draft EC

¹⁷ <https://apps.ecology.wa.gov/publications/SummaryPages/1509054.html>

¹⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

¹⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

²⁰ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

²¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

²² Address listed by Clallam County: 4845 Castleton Rd SW, Port Orchard, WA 98367

²³ Address listed by Clallam County: 4713 S Coyote Run Ln, Port Angeles, WA 98362

Appendix A

Site Diagrams and Data

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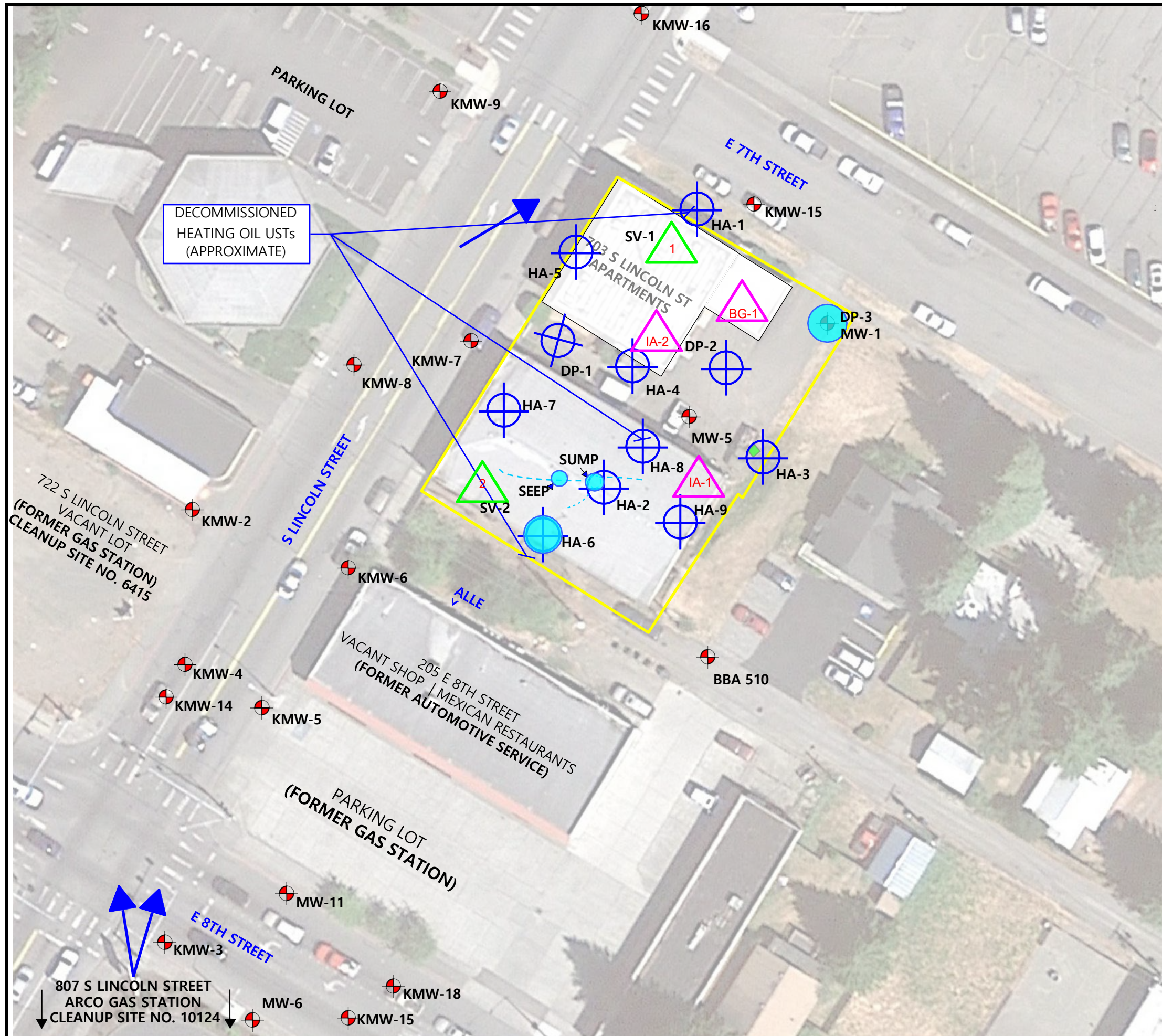
Site Diagrams and Data:

1. Site Plan, SEC Figure 2¹
2. Site Plan: Ground-Level Layout. SEC Figure 3²
3. Indoor and Ambient Air Analytical Results, SEC Table 1³

¹ Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Figure 2

² Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Figure 3

³ Succeed Environmental Consulting, LLC, Indoor Air Assessment, September 29, 2025, Table 1



LEGEND:

- APPROXIMATE SITE BOUNDARY (DISPLAYED IN YELLOW)
- SOLID WASTE ENCLOSURE
- CATCH BASIN / DRAIN
- GROUNDWATER MONITORING WELL
- INFERRED GROUNDWATER FLOW DIRECTIONS
- 2024 WATER SAMPLE LOCATION
- SOIL GAS SAMPLE LOCATION
- SOIL BORING LOCATION
- AIR SAMPLE LOCATION

(APPROXIMATE SCALE IN FEET)
 70

SITE PLAN BASED ON OBSERVATIONS MADE BY SEC. MEASUREMENTS DERIVED FROM THIS FIGURE SHOULD BE CONSIDERED APPROXIMATE.

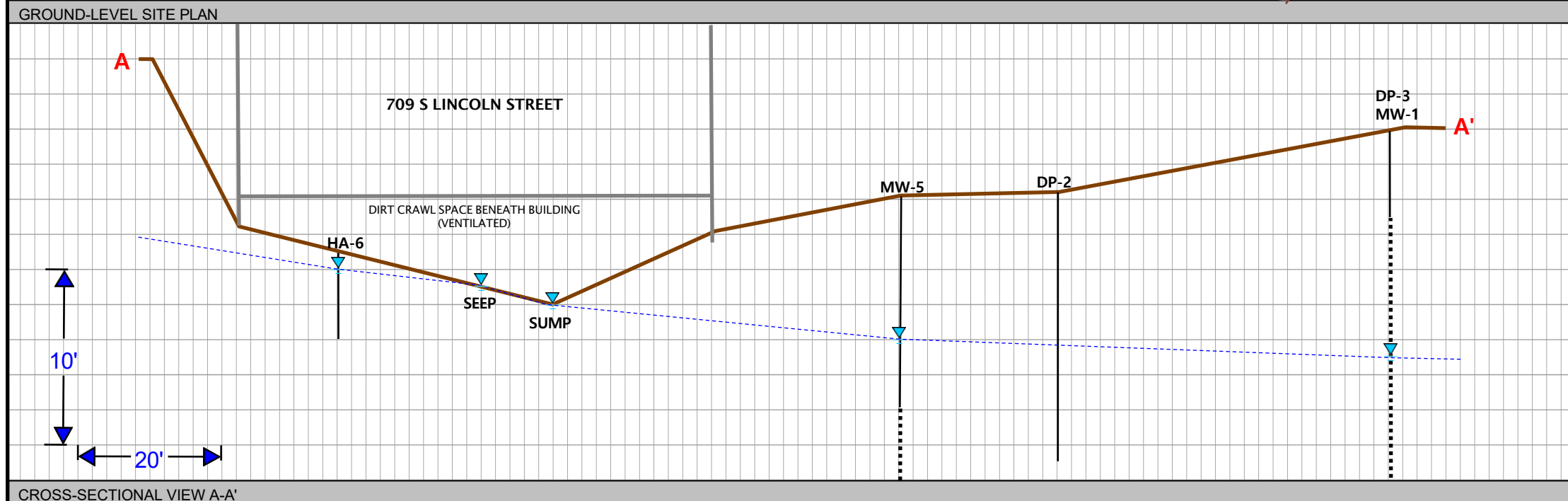
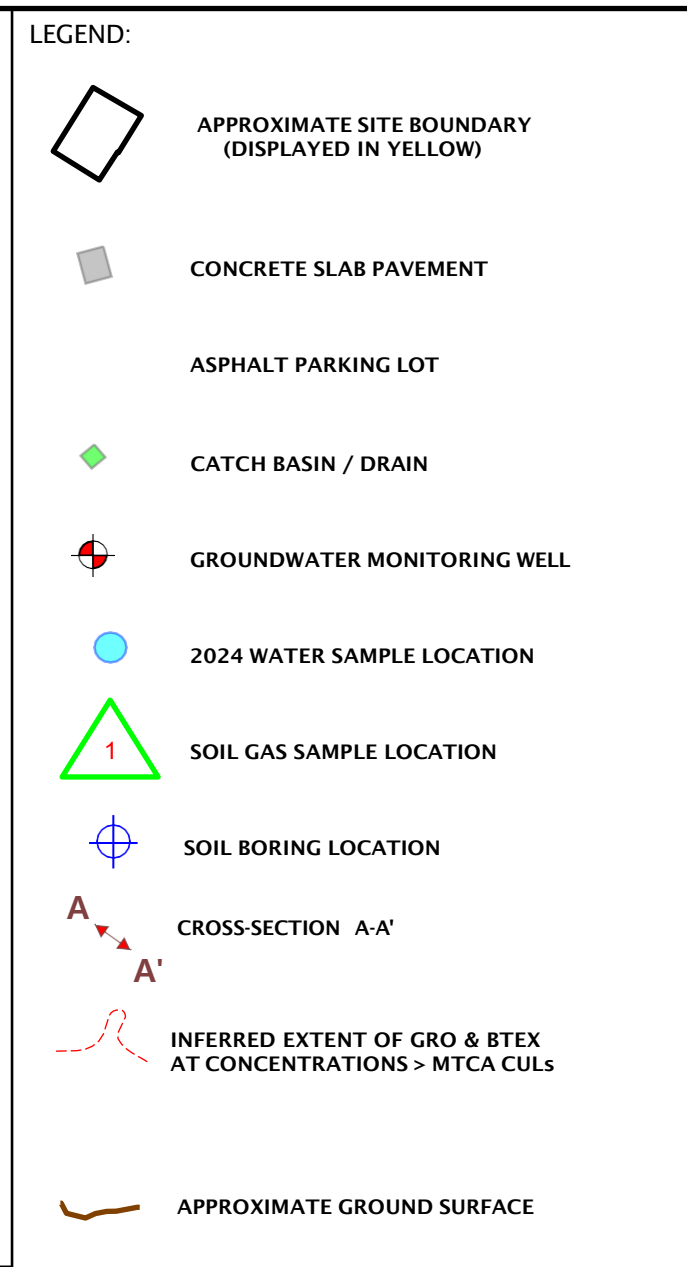
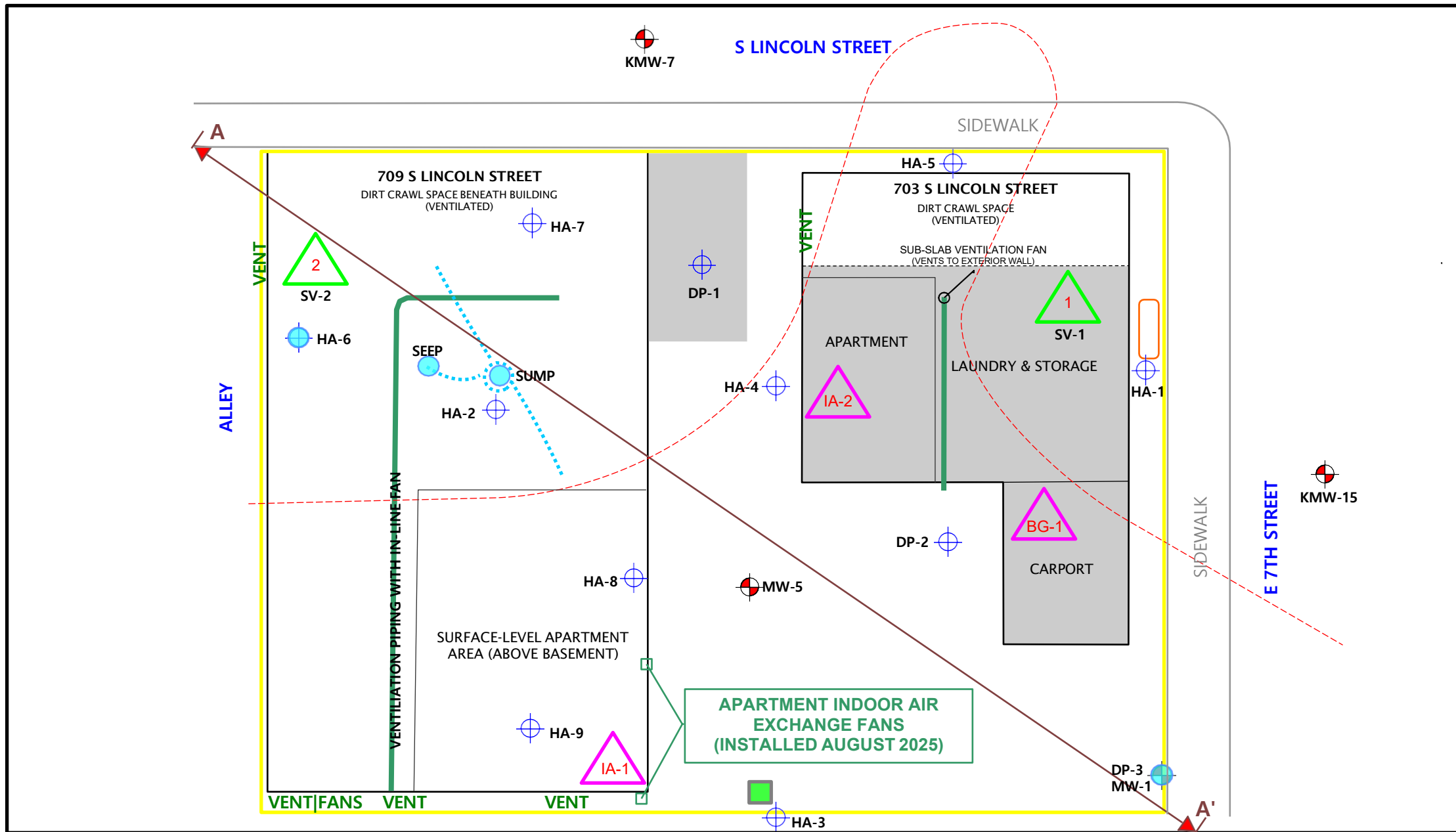


FIGURE 3

(APPROXIMATE SCALE IN FEET)
 40
 SITE PLAN BASED ON OBSERVATIONS MADE BY SEC. MEASUREMENTS DERIVED FROM THIS FIGURE SHOULD BE CONSIDERED APPROXIMATE.

TABLE 1
SUMMARY OF INDOOR & AMBIENT AIR CHEMICAL ANALYTICAL RESULTS
703 & 709 S LINCOLN STREET
PORT ANGELES, WASHINGTON

Client Sample ID		IA-1		IA-2		BG-1		CALRC DSG SL MethB NC 2025	CALRC DSG SL MethB Can 2025	CALRC DSG SL MethC NC 2025	CALRC DSG SL MethC Can 2025	
Date Collected		5/30/2025	9/5/2025	5/30/2025	9/5/2025	5/30/2025	9/5/2025					
Method	Analyte	Units	Result									
TO-15	BENZENE	ug/m3	0.87	0.45	0.27	0.35	0.22	0.29	14	0.32	30	3.2
TO-15	ETHYLBENZENE	ug/m3	0.48 U	0.41 U	0.52 U	0.52 U	0.56 U	0.52 U	460	NE	1000	NE
TO-15	NAPHTHALENE	ug/m3	1.4	0.54	0.31 U	0.22	0.34 U	0.16	1.4	0.074	3	0.74
TO-15	TOLUENE	ug/m3	8.3 U	7.2 U	9 U	9 U	9.8 U	9 U	2300	NE	5000	NE
TO-15	M&P-XYLENE	ug/m3	0.96 U	0.83 U	1.8	1 U	1.1 U	1 U	46	NE	100	NE
TO-15	O-XYLENE	ug/m3	0.48 U	0.41 U	0.56	0.52 U	0.56 U	0.52 U	46	NE	100	NE

Qualifiers: U: The analyte was not detected at a concentration greater than the laboratory reporting limit shown); **Bolding** indicates analyte was detected at the reported concentration.

Appendix B

General EC Requirements

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Draft Covenant: Ecology will need a draft covenant memorializing proposed institutional and/or engineered controls and groundwater monitoring for all impacted properties. Also provide the environmental covenant in **electronic word-processing-compatible format**.¹ Include the following information with the draft covenant:

Plan View Maps and Geologic Cross Sections: Include delineated concentration (1) isopleth plan view maps and (2) geologic cross sections showing the extents of remaining contamination at the Site. Include the boundaries of the MTCA facility, the affected Properties, and the location of any rights of way or easements. Indicate where insufficient data are available to delineate to natural background concentrations. These maps will be used to indicate where contamination remains at the Site after closure. For consistency with other sites in our program, Ecology prefers that data for these maps are provided in units of milligrams per kilogram (mg/kg) for soil.

Title Search: Provide a complete title search as part of Exhibit A, legal description. ***Please ensure that the title search is less than six months old.***

Land Survey: Provide a land survey of impacted properties and rights-of-way, including platting and dedications.

1. **Review the title search and land survey to determine if existing easements include any area of proposed engineered or institutional controls:**
 - i. Develop a plan view map or sketch of the locations of existing easements sufficient for Ecology to concur with your evaluation of whether any easements include the areas of proposed engineered or institutional controls.
 - ii. For each easement that intersects proposed controls at the Site, either provide
 - 1) A signed subordination agreement or;
 - 2) Sufficient evaluation of specific easement terms for Ecology to concur that the easement will not impact the integrity of the cleanup.
 - iii. Include locations of all subsurface utilities in the plan view map.

Ecology recommends contacting easement owners prior to completing a draft environmental covenant.

Local Government Notification Requirements: Please document how the local government notification requirements of WAC 173-340-440(10) are completed. Ecology suggests providing the draft covenant and enclosure package to the local land use planning authority for review and comment. If comments are provided, update the draft covenant based on comments, and provide Ecology the correspondence, local government

¹ See the word processing formatted document at:
<https://fortress.wa.gov/ecy/publications/SummaryPages/1509054.html>.

comments, and how those comments were addressed. If no response is received, include sufficient information for Ecology to concur that the correct local government agency was notified, the date they were notified, and that comments were sought. At this Site, Ecology believes that the appropriate local land use planning authority is likely Clallam County.

Long-Term Cap and Monitoring and Contingency Plan: The covenant will need to include provisions for long-term monitoring of the ventilation system, sump and crawl space drainage, monitoring wells, and pavement cap to ensure the remedy is effective. A long-term monitoring plan will be needed as an attachment to the EC. That plan needs to also include contingency planning in the event that the cap or other facilities are damaged or otherwise compromised.

A simple and adequate contingency plan would include and detail, as applicable, the schedule of inspections, reporting requirements, routine maintenance, and reporting instructions in the event of repair. Ecology suggests scheduling annual inspections, with an initial inspection included with the plan (including photographs and descriptions of the cap and other monitoring items and locations).

Long-Term Soil Vapor Monitoring Plan: The covenant will need to include a long-term air monitoring plan. The plan will need to describe the schedule and methodology of the air sampling, including the additional assessment items, as described in the main text. The soil vapor monitoring plan also needs to include contingencies for additional sampling if any contaminants are detected above screening levels for a commercial worker scenario. This should include resampling to confirm findings, and, if confirmed, additional investigation and/or additional cleanup work.

Contaminated Media Management Plan (CMMP): Ecology recommends including a CMMP with your covenant for this Site. The CMMP should address how contaminated media would be managed and handled if encountered during future work within the covenant area.