STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, Washington 98504-7600 • 360-407-6300

March 4, 2026

Jonathan Slavin
Guntower Capital LLC
c/o InCity Inc.
1421 34th Ave, Ste 300
Seattle WA 98122
slavin@incityinc.com

Re: No Further Action opinion for the following contaminated Site

Site name:	Dagmars Marina
Site address:	1871 Ross Ave, Everett, Snohomish County, WA 98201
Facility/Site ID:	8070274
Cleanup Site ID:	4698
VCP Site:	XN0039

Dear Jonathan Slavin:

The Washington State Department of Ecology (Ecology) received your application to enter the expedited Voluntary Cleanup Program[1] (VCP) process on May 30, 2024. A Remedial Investigation/Feasibility Study and Cleanup Action Plan (RI/FS/CAP) dated May 22, 2024, was included with the application. A Remedial Action Report was submitted to Ecology in December 2025. Following comments from Ecology, a revised Remedial Action Report dated February 24, 2026, was submitted to Ecology.

This letter provides our opinion and analysis. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA),[2] chapter 70A.305 Revised Code of Washington (RCW).[3]

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1 https://www.ecy.wa.gov/vcp
2 https://apps.ecology.wa.gov/publications/SummaryPages/9406.html
3 https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305

Opinion

Ecology has determined that no further remedial action is necessary at the Site*.

***Note:** Ecology's opinion pertains solely to the identified releases on the Property. The Dagmars Marina facility is located on a large (81.58 acre) property. No opinion is provided herein with respect to the sufficiency of efforts to characterize the property as a whole.

Ecology bases this opinion on an analysis of whether the remedial action meets the substantive requirements of MTCA and its implementing regulations, which are specified in chapter 70A.305 RCW and chapter 173-340[4] WAC (collectively called "MTCA").

Summary of Opinion

Three areas with petroleum contamination releases were found at the Site, which is within an active marina located in Everett, Washington. Dagmars Marina is located on the Snohomish River, approximately 1.5 miles upstream of where the river flows into Puget Sound. The three releases were in areas designated as the above-ground storage tank (AST) Area, the Maintenance Shop Area, and the Snohomish Marine Area.

Petroleum in soil and groundwater in the three areas was cleaned up via excavation and off-Site disposal in October 2025, as documented within the February 24, 2026, Remedial Action Report. Sufficiency of cleanup was demonstrated via confirmation soil sampling and groundwater monitoring.

Due to the location of Dagmars Marina along the Snohomish River, Ecology had requested characterization of sediments along the shoreline, and sediment sampling was conducted in 2023. Ecology concluded in our No Further Action Likely letter[5] dated June 26, 2024, that the investigations of sediments at the Site were sufficient to indicate that no releases of contaminants to sediments appeared to have occurred, and no further investigations of sediments or surface water appeared to be warranted at that time.

[4] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340
[5] https://apps.ecology.wa.gov/cleanupsearch/document/167954

Site Description

This opinion applies to the Site described as follows. The Site is defined by the nature and extent of contamination associated with the following release:

- Petroleum (gasoline-, diesel-, and heavy oil-range) and benzene (a component of the petroleum) into soil and groundwater.
- Naphthalene (a component of petroleum) into soil.

Appendix 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 parcels associated with this Site are affected by other sites.

Ecology notes that to the west of the Site, across the Snohomish River, is the Everett Smelter Site (CSID 4698). A large area of soils in northern Everett has been impacted by arsenic from this historical smelter. Ecology has not determined whether soils at the Dagmars Marina Property have been impacted by the Everett Smelter Site.

Basis for the Opinion

Ecology bases this opinion on the information in the documents listed in **Appendix B**.

You can request these documents by filing a records request.[6] For help making a request, contact the Public Records Officer at publicrecordsofficer@ecy.wa.gov or call 360-407-6040. Before making a request, check whether the documents are available on Ecology's Cleanup and Tank Search web page.[7]

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

[6] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests
[7] https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4698

Analysis of the Cleanup

Ecology has concluded that no further remedial action is necessary to clean up contamination at the Site. Ecology bases its conclusion on the following analysis:

Characterizing the Site

Ecology has determined your completed Site characterization is sufficient for setting cleanup standards and selecting a cleanup action for the Site. **Appendix A** describes the Site. Ecology provided feedback on the sufficiency of Site characterization activities within our No Further Action Likely letter, dated June 26, 2024. Please refer to that letter for additional discussion regarding Site characterization activities.

Site Contamination Releases

Releases of petroleum (gasoline, diesel, and heavy oil) into soil and groundwater have occurred at the Site in three areas; the Maintenance Shop Area, the AST Area, and Snohomish Marine Area. Dagmars Marina has been operating since the late 1970s. The releases appear to be related to boat refueling and service activities at the Property.

Dissolved arsenic was found in groundwater at one location (MW-1) at a concentration exceeding the regional background concentration. In our June 26, 2024, NFA Likely letter, Ecology concluded:

> "*The exceedance at location MW-1 has been determined by Ecology to be likely naturally occurring due to peat deposits at this location. No further action is warranted for this exceedance*."

Additional Site Characterization

Site characterization was discussed in Ecology's June 26, 2024, NFA Likely letter. Since that time, additional characterization took place as performance and confirmation soil sampling during excavation cleanup and groundwater monitoring. This additional sampling is discussed below under "Selecting and Implementing the Cleanup Action".

Setting Cleanup Standards

Ecology has determined the cleanup levels and points of compliance presented below meet the substantive requirements of MTCA. The following cleanup levels have been selected for the Site:

Table 1. Cleanup Levels

Contaminant	Method A Soil Cleanup Level (mg/kg)	Method A Groundwater Cleanup Level (µg/L)
GRO	30/100*	800/1000*
DRO	2,000	500
HRO	2,000	500
Benzene	0.03	5.0
Naphthalene	5.0	160

mg/kg = milligrams per kilogram
µg/L = micrograms per liter
GRO = gasoline range organics
DRO = diesel range organics
HRO = Heavy-oil range organics
*Cleanup level with and without benzene present.

Points of Compliance

The points of compliance for soil are throughout the Site. Cleanup levels based on the direct contact pathway apply to soils to a depth of 15 feet below ground surface (ft bgs), whereas cleanup levels for the soil-to-groundwater pathway apply without regard to depth. Cleanup levels for groundwater apply throughout the Site.

Terrestrial Ecological Evaluation (TEE)

The Dagmars Marina Property is bounded by the Snohomish River to the west, grassy fields to the south and north, and Interstate I-5, and plant nursery/farm fields beyond I-5 to the east. Significant open space is located adjacent to the marina. Within 500 feet of contaminated areas that comprise the Site, the only open space is the grassy fields nearby to the Maintenance Shop and AST area. Roughly 10 acres of open space are located within 500 feet of the Site in this area, therefore, based on completion of MTCA Table 749-1, the TEE process cannot be ended.

Based on likely non-native vegetative cover in these open spaces, the Site appears to qualify for a simplified TEE. Therefore, TEE-based concentrations of 200 mg/kg for GRO and 460 mg/kg for DRO plus HRO would apply to a depth of 6.0 ft bgs.[8]

As discussed below, all confirmation soil sampling results following excavation cleanup were below the TEE-based concentrations (as well as below detection limits). Therefore, no risk to ecological receptors is apparent following the cleanup work performed at the Site.

Selecting and Implementing the Cleanup Action

Excavation and off-Site disposal was the selected cleanup alternative within the May 22, 2024, Remedial Investigation Summary/Cleanup Action Plan. Excavation and off-Site disposal is considered to be a permanent solution under MTCA; therefore, no feasibility study (FS) or disproportionate cost analysis (DCA) was needed for this alternative. Ecology provided our concurrence on this alternative within our June 24, 2024, NFA Likely letter, which stated:

> "*Ecology has determined the cleanup actions you selected for the Site meets the substantive requirements of MTCA. The proposed cleanup action at the Site consists of excavation and off-Site disposal of contaminated soil and groundwater with limited dewatering.*"

Remedial excavation work was conducted at the Property between October 1, 2025, and October 6, 2025. A total of 306.49 tons of petroleum contaminated soil (PCS) was transported off-Site for treatment and/or disposal. A total of 128.32 tons of PCS was taken to the Heidelberg Materials' thermal desorption facility in Everett, Washington. Following thermal desorption, the soil was reportedly disposed of at Heidelberg Materials' landfill in Granite Falls, Washington. A total of 178.17 tons of PCS were transported for disposal at the Roosevelt Regional Landfill in Klickitat County, Washington. Disposal receipts were included within the February 24, 2026, Remedial Action Report.

The AST Area excavation was approximately 10 feet wide by 30 feet long by 12 feet deep; the Maintenance Shop excavation was approximately 13 feet wide by 15 feet long by 7 feet deep; and the Snohomish Marine Area excavation was approximately 6 feet wide by 10 feet long by 4 feet deep.

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[8] WAC 173-340-7490(4)(a).

The AST Area and Maintenance Shop Area excavations each had one sidewall performance sample that failed for benzene, and excavation continued until all floor and sidewall soil samples had contamination concentrations below cleanup levels. A total of 18 confirmation soil samples were collected from the three remedial excavation areas. No gasoline-, diesel-, or heavy oil was detected in any of the confirmation soil samples.

Three temporary (direct push) sample locations had cleanup level exceedances for petroleum in groundwater in 2022-2023. A total of ten monitoring wells were installed at the Site between January 2023 and October 2025 (the monitoring wells installed in 2025 replaced installations that were decommissioned during excavation cleanup). Groundwater sampling was conducted at nine monitoring wells between January 2023 and January 2026. Other than a slight exceedance for diesel range petroleum in MW-4 in 2023 (573 µg/L exceeding the Method A cleanup level of 500 µg/L), none of the monitoring well samples had any cleanup level exceedances.

Ecology has concluded that the available groundwater monitoring data provides a reasonable case that the remedial excavation work has addressed groundwater contamination at the Site. Although the spatial coverage of the monitoring wells is not entirely optimal, Ecology notes that if any residual petroleum in groundwater contamination remains outside of the monitored locations, natural attenuation would be expected to address such contamination.

In addition, use of groundwater for drinking water purposes in this estuarine setting is highly unlikely and the distance to the river and relatively low permeability of subsurface soils result in low risk to surface water. Hence, Ecology has determined that the case for groundwater having achieved cleanup levels is reasonably complete.

Listing of the Site

Based on this opinion, Ecology will delete the Site from the Contaminated Sites List and add the Site to the No Further Action Sites List.

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 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 chapter 70A.305.040[9] (4) RCW.

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 chapter 70A.305.080 RCW[10] and chapter 173-340-545 WAC.[11]

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 chapter 70A.305.170[12] (6) RCW.

[9] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040
[10] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080
[11] https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545
[12] https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170

Termination of Agreement

Thank you for cleaning up the Site under the VCP. This opinion terminates the VCP Agreement governing VCP Project No. XN0039. The remaining balance on the account will be refunded after deducting labor charges and applicable closure fees.

Questions

If you have any questions about this opinion, please contact me at frank.winslow@ecy.wa.gov or 509-424-0543.

Sincerely,

Frank P. Winslow, LHG
Cleanup Project Manager
Headquarters Section

FPW/tam

Appendices (2): A – Site Description, History, and Diagrams
B – Basis for the Opinion – Documents List

cc by email: Brian Dixon, Dixon Environmental Services, brian@dixones.com
Erik Snyder, Ecology, erik.snyder@ecy.wa.gov
Treasure Mitchell, Ecology, treasure.mitchell@ecy.wa.gov
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Ecology Site File

Appendix A

Site Description, History, and Diagrams

Site Description

Site

The Site is defined by petroleum (gasoline, diesel, and heavy oil), benzene, and naphthalene in soil and groundwater. The Site is associated with releases from boat fueling and servicing operations at the Dagmars Marina.

Area and Property Description

The Site is located on the following two parcels of land in Snohomish County:

Parcel No	Part of the Site	Acres
29050900300100	South	36.29
29050900200900	North	45.29

Most of the Property is used for boat dry storage and grassy fields to the north and south. Areas of contamination concern are associated with three relatively small areas within the Property; the above-ground storage tank (AST) Area, the Maintenance Shop Area, and the Snohomish Marine Area.

Surrounding the Property are the Snohomish River to the west, Interstate I-5 to the east, and additional grassy fields and farming areas further to the north, south, and east. An industrial area abuts the north boundary of the South parcel, adjacent to the Snohomish River.

Site History

The Property was used for agricultural purposes from the 1950s to the late 1970s. The Property has operated as a marina and boat dry storage since the late 1970s.

Physiographic and Topographic Setting

The Site is located in Everett, Washington, in west-central Snohomish County. Although the surrounding area is dominated by undulating glacial terrain within the Puget Lowland Physiographic Province, the Site is located within the alluvial valley of the Snohomish River. Most of the Property is only slightly above sea level, based on the Google Earth's digital elevation model (DEM) coverage, although a small "hill" with an elevation of about 10 feet above mean sea level (ft amsl) is located in the western part of the North Parcel near where two boat rack structures are located.

Surface/Storm Water

The Snohomish River forms the western boundary of the Property. The Maintenance Shop and AST Areas are approximately 1,160 feet northeast of the river, and Snohomish Marine Area is located approximately 380 feet east of the river. Based on the locations of the contamination releases at the site and the relatively low permeability of soils in this area, risk to the Snohomish River from the Site contamination appears to be low.

Stormwater is expected to generally flow to the west to the Snohomish River via outfalls on the Property. As discussed within Ecology's June 26, 2024, NFA Likely letter, sediment at the outfalls were sampled and no contamination concerns were identified.

Ecological Setting

As discussed above, there is potential for Ecology receptors in the vicinity of the Site due to the proximity of open space (primarily grassy fields). The excavation cleanup work resulted in the removal of all contamination with concentrations above simplified TEE-based concentrations.

Geology and Hydrogeology

The following discussion is from the 2023 RI Report:

> *The Site is located at Everett, Washington, which is in the central part of the Puget Sound Lowland. The geologic unit for this Site is Qyal, a Holocene-aged younger alluvial and estuarine deposit (Minard, 1985). These deposits lie in and along the present streams near the water table. The sediment is largely sand, silt, and clay with considerable amounts of organic matter. Thicknesses of the younger alluvial and estuarine deposits probably exceed 30 meters. The alluvium overlies deposits from the last Pleistocene glaciation. Soils encountered during work at the Site included surface fill underlain by unconsolidated fine-grained alluvium. Areas of peat or organic materials were variably encountered in borings across the site.*

Ecology notes that boring logs were dominated by silty clay, with lesser silty sand seams both in the Maintenance Shop and Snohomish Marine areas.

Groundwater

The following discussion is from the 2023 RI Report:

> *The Site is located adjacent and east of the Snohomish River. Groundwater was encountered at variable depths across the site. Depth to groundwater during the January monitoring event varied from 2.49 to 4.90 feet bgs. Groundwater appears to result from locally perched conditions in the low permeability soils at Dagmars Marina. Regional groundwater flow direction is expected to be westward towards the Snohomish River and Possession Sound…*

Ecology notes that water levels were as shallow as 1.3 feet below ground surface (ft bgs) at MW-5 (in the Maintenance Shop area) in October 2023.

Water Supply

The following discussion regarding water supply is from the 2023 RI report:

> *There are no potable, irrigation, or production use water wells located on the Site. The City of Everett maintains a reservoir that is located approximately 16 miles east of Everett, and the Site is served by the municipal water source. Water wells were identified within a mile of the Site; however, the exact location and use are not known at this time.*

Site Diagrams

The following diagrams are from Dixon Environmental Services' *Remedial Action Report* dated February 24, 2026:

DIXON
Environmental Services

LEGEND

Property Boundary

Site Plan

Project Address:

1871 Ross Avenue
Everett, WA 98201

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DIXON
Environmental Services

LEGEND

- Soil Boring
- Monitoring Well
- Excavation Soil Sample
- Approximate GW Flow Direction

AST & Shop Explorations

Project Address:

1871 Ross Avenue
Everett, WA 98201

Page:

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DIXON
ENVIRONMENTAL SERVICES

LEGEND

- SOIL BORING
- MONITORING WELL
- EXCAVATION SOIL SAMPLE

SM EXPLORATIONS

PROJECT ADDRESS:

1871 ROSS AVENUE
EVERETT, WA 98201

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DIXON
Environmental Services

LEGEND

- ▲ Confirmation Soil Sample Location
- ▲ COC Concentration Exceeds Cleanup Level

AST Excavation

Project Address:
1871 Ross Avenue
Everett, WA 98201

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DIXON
ENVIRONMENTAL SERVICES

LEGEND

- ▲ CONFIRMATION SOIL SAMPLE LOCATION
- ▲ COC CONCENTRATION EXCEEDS CLEANUP LEVEL

SHOP EXCAVATION

PROJECT ADDRESS:
1871 ROSS AVENUE
EVERETT, WA 98201

DIXON
Environmental Services

LEGEND

▲ Confirmation Soil Sample Location

SM Excavation

Project Address:

1871 Ross Avenue
Everett, WA 98201

DIXON
Environmental Services

LEGEND

- Monitoring Well
- Approximate GW Flow Direction (2/5/26)

GW Flow Map (2/5/26)

Project Address:

1871 Ross Avenue
Everett, WA 98201

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Appendix B

Basis for the Opinion – Documents List

Documents List

1. Dixon Environmental Services. *Remedial Action Report, Snohomish County Parcel #s 29050900300100 and 29050900200900.* November 10, 2025, revised February 24, 2026.

2. Ecology. *Letter re Opinion on Proposed Cleanup, Dagmars Marina (NFA Likely letter)*. June 26, 2024.

3. Dixon Environmental Services. *Remedial Investigation Summary/Cleanup Action Plan, Snohomish County Parcel #s 29050900300100 and 29050900200900*. May 22, 2024.

4. Apex. *Supplemental Remedial Investigation Report, Dagmars Marina, 1871 Ross Ave, Everett, WA.* November 1, 2023.

5. Apex. *Sediment Characterization Work Plan, Dagmars Marina, 1871 Ross Ave, Everett, WA.* August 17, 2023.

6. Apex. *Remedial Investigation Report, Dagmars Marina, 1871 Ross Ave, Everett, WA*. March 13, 2023.