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STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

MBTOD Phase One LLLP and MBTOD Phase Two LLLP,

Defendants.

NO. 26-2-20147-1 SEA

PROSPECTIVE PURCHASER CONSENT DECREE

TABLE OF CONTENTS

I. INTRODUCTION 3

II. JURISDICTION 4

III. PARTIES BOUND 6

IV. DEFINITIONS 7

V. FINDINGS OF FACT 8

VI. WORK TO BE PERFORMED 11

VII. DESIGNATED PROJECT COORDINATORS 16

VIII. PERFORMANCE 17

IX. CERTIFICATION OF DEFENDANT 18

X. ACCESS 18

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XI. SAMPLING, DATA SUBMITTAL, AND AVAILABILITY 19
XII. ACCESS TO INFORMATION 20
XIII. RETENTION OF RECORDS 21
XIV. TRANSFER OF INTEREST IN PROPERTY 21
XV. RESOLUTION OF DISPUTES 21
XVI. AMENDMENT OF DECREE 23
XVII. EXTENSION OF SCHEDULE 24
XVIII. ENDANGERMENT 26
XIX. COVENANT NOT TO SUE 26
XX. CONTRIBUTION PROTECTION 28
XXI. INDEMNIFICATION 28
XXII. COMPLIANCE WITH APPLICABLE LAWS 28
XXIII. REMEDIAL ACTION COSTS 30
XXIV. IMPLEMENTATION OF REMEDIAL ACTION 31
XXV. PERIODIC REVIEW 32
XXVI. PUBLIC PARTICIPATION 32
XXVII. DURATION OF DECREE 33
XXVIII. CLAIMS AGAINST THE STATE 34
XXIX. EFFECTIVE DATE 34
XXX. WITHDRAWAL OF CONSENT 34

EXHIBIT A	Site Location Diagram
EXHIBIT B	Property Legal Description
EXHIBIT C	Scope of Work and Schedule
EXHIBIT D	Final Cleanup Action Plan

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I. INTRODUCTION

1. The mutual objective of the State of Washington, Department of Ecology (Ecology) and MBTOD Phase One LLLP and MBTOD Phase Two LLLP (collectively, MBTOD) (collectively, the Parties) under this Prospective Purchaser Consent Decree (Decree) is to (1) resolve the potential liability of MBTOD for contamination at the UW Mount Baker Laundry Site (Site) located at 2901 27th Ave South in Seattle, Washington, arising from the release(s) or threatened release(s) of hazardous substances, in advance of MBTOD obtaining an interest in real property at the Site; and (2) to facilitate the implementation of remedial action at the Site, so it may be redeveloped and reused for an affordable housing development called the Mount Baker TOD Project (Project). The Project will proceed in two phases and will provide approximately 438 affordable rental units, 35,000 square feet of commercial space, and 10,000 square feet for a community hub to accommodate community commercial and cultural programming. The Project is located in the Mount Baker neighborhood adjacent to the Mt. Baker Light Rail station.

2. MBTOD is an entity formed by Mercy Housing Northwest (Mercy) and El Centro de la Raza (El Centro) for the purposes of developing the Project at the Property. Mercy is a Washington-based organization with experience developing and managing community-centered affordable housing throughout Washington. El Centro is also a Washington-based organization that provides programs and services to communities in Washington, including affordable housing.

3. Pursuant to the Grant Program Agreement No. OTGP-2025-MHNW-00084 ("Grant Agreement"), and working with Ecology, MBTOD prepared a draft Remedial Investigation and Feasibility Study (RI/FS), and a draft Cleanup Action Plan (dCAP) to document the nature and extent of contamination and outline appropriate remedial action(s) for the Site. MBTOD provided the draft RI/FS and dCAP to Ecology for its final review and for

public comment. This Decree requires MBTOD implement the remedial actions contained in the final Cleanup Action Plan (CAP), pursuant to the Schedule in Exhibit C.

4. Ecology has determined that these actions are necessary to protect human health and the environment.

5. The Complaint in this action is being filed simultaneously with this Decree. An Answer has not been filed, and there has not been a trial on any issue of fact or law in this case. However, the Parties wish to resolve the issues raised by Ecology's Complaint. In addition, the Parties agree that settlement of these matters without litigation is reasonable and in the public interest, and that entry of this Decree is the most appropriate means of resolving these matters.

6. By signing this Decree, the Parties agree to its entry and agree to be bound by its terms.

7. By entering into this Decree, the Parties do not intend to discharge non-settling parties from any liability they may have with respect to matters alleged in the Complaint. The Parties retain the right to seek reimbursement, in whole or in part, from any liable persons for sums expended under this Decree.

8. This Decree shall not be construed as proof of liability or responsibility for any releases of hazardous substances or cost for remedial action nor an admission of any facts; provided, however, that MBTOD shall not challenge the authority of the Attorney General and Ecology to enforce this Decree.

9. The Court is fully advised of the reasons for entry of this Decree, and good cause having been shown:

Now, therefore, it is HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

II. JURISDICTION

1. This Court has jurisdiction over the subject matter and over the Parties pursuant to the Model Toxics Control Act (MTCA), RCW 70A.305.

2. Authority is conferred upon the Washington State Attorney General by RCW 70A.305.040(4)(a) to agree to a settlement with any potentially liable person (PLP) if, after public notice and any required public meeting, Ecology finds the proposed settlement would lead to a more expeditious cleanup of hazardous substances. In addition, under RCW 70A.305.040(5), the Attorney General may agree to a settlement with a person not currently liable for remedial action at a facility who proposes to purchase, redevelop, or reuse the facility, provided: the settlement will yield substantial new resources to facilitate cleanup; the settlement will expedite remedial action consistent with the rules adopted under MTCA; and Ecology determines based upon available information that the redevelopment or reuse of the facility is not likely to contribute to the existing release or threatened release, interfere with remedial actions that may be needed at the Site, or increase health risks to persons at or in the vicinity of the Site.

3. RCW 70A.305.040(4)(b) requires that such a settlement be entered as a consent decree issued by a court of competent jurisdiction.

4. Ecology has determined that a release or threatened release of hazardous substances has occurred at the Site that is the subject of this Decree.

5. MBTOD has not been named as a Potentially Liable Party (PLP) for the Site, and MBTOD has certified under Section IX (Certification of Defendant) that neither entity is currently liable for the Site under MTCA. MBTOD is negotiating acquisition of a property interest in the form of a ground lease at the Site with the City of Seattle, Office of Housing, and anticipates executing said ground lease for the Property on or around October 15, 2026. The Property likely comprises a portion of the Site. MBTOD will incur potential liability under RCW 70A.305.040(1) at the time it acquires a leasehold interest at the Site for performing remedial actions or paying remedial costs incurred by Ecology or third parties resulting from past releases or threatened releases of hazardous substances at the Site. This Decree settles MBTOD's liabilities as described herein for this Site upon it obtaining a leasehold interest in the parcel.

6. The actions to be taken pursuant to this Decree are necessary to protect public health and the environment.

7. MBTOD intends to redevelop the Property at the Site for the Project, as described in this Decree.

8. This Decree has been subject to public notice and comment.

9. Ecology finds that this Decree and/or the remedial actions required by the Decree: will yield substantial new resources to facilitate cleanup of the Site; will lead to a more expeditious cleanup of hazardous substances at the Site in compliance with cleanup standards established under RCW 70A.305.030(2)(e) and WAC 173-340; will promote the public interest by facilitating the redevelopment or reuse of the Site for an affordable housing development; will not be likely to contribute to the existing release or threatened release at the Site; interfere with remedial actions that may be needed at the Site; or increase health risks to person at or in the vicinity of the Site.

10. Ecology finds that this Decree will lead to a more expeditious cleanup of hazardous substances at the Site in compliance with the cleanup standards established under RCW 70A.305.030(2)(e) and WAC 173-340.

11. MBTOD has agreed to undertake the actions specified in this Decree and consents to the entry of this Decree under MTCA.

III. PARTIES BOUND

1. This Decree shall apply to and be binding upon the Parties to this Decree, their successors and assigns. The undersigned representative of each party hereby certifies that they are fully authorized to enter into this Decree and to execute and legally bind such party to comply with this Decree. MBTOD agrees to undertake all actions required by the terms and conditions of this Decree. No change in ownership or corporate status shall alter Defendant's responsibility under this Decree. MBTOD shall provide a copy of this Decree to all agents, contractors, and

subcontractors retained to perform work required by this Decree, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Decree.

IV. DEFINITIONS

1. Unless otherwise specified herein, all definitions in RCW 70A.305.020, and WAC 173-340 shall control the meanings of the terms in this Decree.

A. Site: The Site is referred to as the UW Mount Baker Laundry Site, Facility Site ID 19911937, Cleanup Site ID 17017. The Site is generally located 2901 27th Avenue South, Seattle, WA. The Site is comprised of approximately two parcels King County Parcel Nos. 308500-2100, and 713880-0025 and includes all areas where contamination has come to be located from historic releases from former uses, including the use of a 4,000-gallon fuel-oil underground storage tank (UST). The Site constitutes a facility under RCW 70A.305.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

B. Prospective Purchaser Consent Decree or Decree: Refers to this Decree and each of the exhibits to this Decree. All exhibits are integral and enforceable parts of this Decree.

C. MBTOD: Refers to MBTOD Phase One LLLP and MBTOD Phase Two LLLP.

D. Mercy: Refers to Mercy Housing Northwest.

E. El Centro: Refers to El Centro de la Raza.

F. Parties: Refers to the State of Washington Department of Ecology, MBTOD.

G. City of Seattle, Office of Housing: Refers to the City of Seattle, Office of Housing, the current owner of the Property.

H. Property: Refers to the Property that MBTOD will lease and redevelop, consisting of King County Parcel Nos. 308500-2100, 713830-0015, and 713880-0025.

V. FINDINGS OF FACT

1. Ecology makes the following findings of fact without any express or implied admissions of such facts by MBTOD.

A. Based upon factors currently known to Ecology, the Site is generally located at 2901 27th Avenue South, in Seattle, Washington as shown in the Site Location Diagram (Exhibit A). The nature and extent of the release(s) and the Site are further defined by the Remedial Investigation (RI) and CAP.

B. According to a Phase I Environmental Site Assessment (ESA) conducted by SoundEarth Strategies (SoundEarth) in October 2019, the Site history for the property is a mix of commercial and residential uses. In 1916, the property was developed with a residence which was demolished in 1950. Between approximately 1957 and 1980, a portion of the Site where Building 1 was located was used as a bowling alley by Rainier Lanes. While occupied by the bowling alley, the necessary bowling equipment and apparatus were cleaned and degreased using chlorinated solvents and potentially other volatile organic compounds (VOCs). Later, in 1983, the bowling alley was converted to an industrial-sized laundry facility serving the University of Washington that operated until 2019. Around the same time the laundry was established in 1983, a 4,000-gallon fuel oil underground storage tank (UST) was installed on the northern portion of the property. According to the Phase I ESA, a Master Use and Construction Application and Permit indicated that approximately 5,200 cubic yards of fill would be placed on the Site for grading during conversion of the bowling alley to a laundry facility. Known contamination at the Site consists of diesel- and oil-range petroleum hydrocarbons in both soil and groundwater predominantly related to the UST, and lead in soil related to imported fill.

C. A Phase II ESA was conducted by SoundEarth in December 2019 for the City of Seattle to assess recognized environmental conditions identified in their 2019 Phase I ESA. Elements of the investigation included a focused ground-penetrating radar (GPR) survey, completion of 18 soil borings (P01 to P18) to depths between 15 to 25 feet below ground surface, and associated soil and groundwater sampling. The RI was completed in 2025 and 2026 to further investigate the nature and extent of soil and groundwater impacts identified during the Phase II ESA, and included a focused GPR survey, completion of 11 soil borings (RI-DP1 through RI-DP11) and installation of five permanent monitoring wells (RI-MW1 through RI-MW5) to depths up to 25 feet bgs, and associated soil and groundwater sampling.

D. Oil Range Petroleum Hydrocarbons (ORPH) were detected at a concentration exceeding the MTCA Method A cleanup level in a soil sample collected from boring P13 located at the northeastern portion of the Site. Lead was detected at concentrations exceeding the MTCA Method A cleanup level in soil samples collected from RI-DP8 and RI-MW3, located in the northeastern portion of the Site. Diesel Range Petroleum Hydrocarbons (DRPH) were detected at a concentration exceeding the MTCA Method A cleanup level in a groundwater sample collected at boring P16 located in the northern portion of the Site. DRPH and ORPH were detected at concentrations greater than MTCA Method A cleanup levels in groundwater samples collected from boring P13 located in the northeastern portion of the Site. Contaminants detected at concentrations less than MTCA Method A or B cleanup levels in soil and/or groundwater samples collected as part of the Phase II ESA and/or RI included Gasoline Range Petroleum Hydrocarbons, VOCs (i.e., benzene, acetone, tetrachloroethene, trichloroethene, and cis-1,2-dichloroethene), polycyclic aromatic hydrocarbons (PAHs) and various metals (i.e., arsenic barium, cadmium, and chromium).

E. The Phase II ESA concluded that due to the limited vertical extent of impacts to soil and the absence of DRPH and/or ORPH in soil and groundwater in other borings, the presence of DRPH and ORPH in soil and groundwater likely is associated with fill placed on site and releases from the UST.

F. Prior to closing, and pursuant to the Grant Agreement, MBTOD conducted additional remedial investigation work, which showed one detection of lead in soil at concentrations above the Method A cleanup level.

G. Release(s) and/or potential release(s) of hazardous substances occurred at the Site. The following hazardous substances at the Site have been detected and identified by Ecology as the primary contaminants of concern: diesel and oil range petroleum hydrocarbons and lead. These hazardous substances have been, and may continue to be, released at the Site into the environment including soil and groundwater.

H. In April 2024, Ecology completed the Site Hazard Assessment and Rating Process (SHARP) for the Site. SHARP is used to evaluate exposure severity in soil, groundwater, surface water, sediment, and indoor air at contaminated sites. Based on the findings of this process, the Site received an overall "medium" rating. Additional information is provided in Ecology's SHARP report.

I. MBTOD intends to redevelop the Site as a mixed-use, mixed-income community with affordable rental housing, indoor and outdoor community spaces and outdoor public open spaces.

J. The City of Seattle, Office of Housing is the current owner of the Property as described in Section I(1) and located at 2901 27th Avenue South, in Seattle, Washington. The City of Seattle, Office of Housing purchased the property from the University of Washington in 2020.

K. The draft RI/FS, draft CAP, and PPCD were subject to public comment from May 4, 2026 to June 17, 2026. Ecology held a public meeting on May 14th, 2026.

VI. WORK TO BE PERFORMED

1. This Decree contains a program designed to protect human health and the environment from the known release, or threatened release, of hazardous substances at, on, or from the Site. All remedial action(s) conducted by MBTOD at the Site shall be done in accordance with WAC 173-340.

2. Pursuant to Grant Agreement No. OTGP-2025-MHNW-0084, MBTOD completed an RI, FS, and dCAP. The RI, FS, and dCAP have been reviewed by Ecology and the documents were submitted for public comment. MBTOD shall implement the final CAP according to the schedule contained the Scope of Work and Schedule attached to this Decree (Exhibit C), except in the instance where grant funding provided under Grant Agreement No. OTGP-2025-MHNW-0084 is insufficient for MBTOD to perform and/or complete the work, in which case such circumstances will constitute good cause for an extension of the schedule consistent with Section XVII of his Decree.

3. MBTOD will conduct the remedial actions throughout the Site, as described in the Scope of Work and the final CAP, once issued by Ecology. In addition to the required remediation throughout the Site, the Site will be remediated to residential cleanup levels and redeveloped with dedicated rental units restricted for affordable housing for a minimum of 30 years, consistent with MTCA and its implementing regulations, WAC 173-340, and applicable City of Seattle zoning provisions and comprehensive plan designations.4. Until the CAP is final and the Schedule requires implementation, no redevelopment of the parcels within the Property may proceed; provided, that Ecology may allow for redevelopment to occur on a property-specific basis if: (1) a final Cleanup Action Plan (CAP) for the Property has been issued by Ecology; (2) the property-specific redevelopment is accompanied by a remedial action that implements Ecology's selected cleanup action for that portion of the Site; and (3) Ecology determines that proceeding with the property-specific redevelopment and remedial action: (a) is consistent with, and will not preclude, complicate, or render more expensive the final cleanup

action for the Site as a whole; and (b) will not exacerbate the known contamination/release or result in recontamination of the Property.

5. Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study, or design of a cleanup action plan. Any Party may propose an interim action under this Order. If the Parties are in agreement concerning the interim action, MBTOD shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). MBTOD shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and MBTOD are required to conduct the interim action in accordance with the approved Interim Action Work Plan. If the Parties are not in agreement, Ecology reserves its authority to require interim action(s) under a separate order or other enforcement action under RCW 70A.305, or to undertake the interim action itself.

6. All plans or other deliverables submitted by MBTOD for Ecology's review and approval under the CAP (Exhibit D) or Scope of Work and Schedule (Exhibit C) shall, upon Ecology's approval, become integral and enforceable parts of this Decree.

7. If MBTOD learns of a significant change in conditions at the Site, including but not limited to a statistically significant increase in contaminant and/or chemical concentrations in soil or groundwater, MBTOD, within seven (7) days of learning of the change in condition,

shall notify Ecology in writing of said change and provide Ecology with any reports or records (including laboratory analyses, sampling results) relating to the change in conditions.

6. Pursuant to WAC 173-340-440(11), and if required by the CAP, MBTOD shall maintain sufficient and adequate financial assurance mechanisms to cover all costs associated with the operation and maintenance of the remedial action at the Site, including institutional controls, compliance monitoring, and corrective measures.

A. Within sixty (60) days of Ecology's issuance of the CAP, if the CAP requires engineered and/or institutional controls that require finance assurance under WAC 173-340-440(11), MBTOD shall submit to Ecology for review and approval an estimate of the costs associated with the operation and maintenance of the remedial action at the Site that it will incur in carrying out the terms of this Decree. Within sixty (60) days after Ecology approves the aforementioned cost estimate, MBTOD shall provide proof of financial assurances sufficient to cover those costs in a form acceptable to Ecology.

B. If financial assurance is required, MBTOD shall adjust the financial assurance coverage and provide Ecology's project coordinator with documentation of the updated financial assurance for:

i. Inflation, annually, within thirty (30) days of the anniversary date of the entry of this Decree; or if applicable, the modified anniversary date established in accordance with this section, or if applicable, ninety (90) days after the close of Defendant's fiscal year if the financial test or corporate guarantee is used.

ii. Changes in cost estimates, within thirty (30) days of issuance of Ecology's approval of a modification or revision to the CAP that result in increases to the cost or expected duration of remedial actions. Any adjustments for inflation since the most recent preceding anniversary date shall be made

concurrent with adjustments for changes in cost estimates. The issuance of Ecology's approval of a revised or modified CAP will revise the anniversary date established under this section to become the date of issuance of such revised or modified CAP.

7. Environmental (Restrictive) Covenants will be used to implement the institutional controls, if required by the CAP, and the affordable housing requirements of this Decree.

A. In consultation with MBTOD, Ecology will prepare the Environmental (Restrictive) Covenants consistent with WAC 173-340-440, RCW 64.70, and any policies or procedures specified by Ecology. The Environmental (Restrictive) Covenants shall restrict future activities and uses of the Site as agreed to by Ecology and MBTOD. MBTOD shall obtain the City of Seattle, Office of Housing's approval and signature on the Environmental (Restrictive) Covenant.

B. In addition to any restrictions related to environmental conditions that may be provided for in the CAP, the Environmental (Restrictive) Covenant to be recorded shall require that the project will provide Affordable Housing units. By agreement of the project coordinators, subject to the requirement of any applicable grant agreement between the Parties, and prior to the recording of any Covenant required by the Decree, the Parties will further define: (1) the specific requirements for the number of Affordable Housing units that will be subject to the Covenant (a minimum of 20% percent of all housing units be Affordable Housing rental units); (2) the term of land use restriction (a minimum of 30 years); and (3) the instrument(s) required to be recorded to restrict land use to the requirements of this section. The affordable housing requirements shall, through this Decree, attach to MBTOD prior to the above-referenced Covenants being recorded.

C. After approval by Ecology, MBTOD shall record the Environmental (Restrictive) Covenant for affected properties it owns with the office of the King County Auditor as detailed in the Schedule (Exhibit C). MBTOD shall provide Ecology with the original recorded Environmental (Restrictive) Covenants within thirty (30) days of the recording date.

C. If provided for in the CAP, and as part of the remedial action for the Site, institutional controls may be required on properties not owned by MBTOD, and/or leased by the City of Seattle, Office of Housing to MBTOD. MBTOD will undertake good faith efforts to engage with the owner of each affected property so that an Ecology-approved Environmental (Restrictive) Covenant is recorded as detailed in the Schedule (Exhibit C). Upon a showing that MBTOD have made a good faith effort to secure an Environmental (Restrictive) Covenant for an affected property and failed to do so, Ecology may provide assistance to MBTOD. If required by the CAP, MBTOD shall provide Ecology with the original recorded Environmental (Restrictive) Covenant within thirty (30) days of the recording date.

8. Unless otherwise directed by Ecology, MBTOD shall submit to Ecology written monthly Progress Reports that describe the actions taken during the previous month to implement the requirements of this Decree. All Progress Reports shall be submitted by the tenth (10th) day of the month in which they are due after the effective date of this Decree. Unless otherwise specified in writing by Ecology, Progress Reports and any other documents submitted pursuant to this Decree shall be sent by electronic mail to Ecology's project coordinator. The Progress Reports shall include the following:

A. A list of on-site activities that have taken place during the month.

B. Description of any sample results which deviate from the norm.

C. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests.

D. Description of all deviations from the Scope of Work and Schedule (Exhibit ___) during the current month and any planned deviations in the upcoming month.

E. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule.

F. All raw data (including laboratory analyses) received during the previous quarter (if not previously submitted to Ecology), together with a detailed description of the underlying samples collected.

G. A list of planned activities for the upcoming month.

9. Except in the case of an emergency, MBTOD agree not to perform any remedial actions at the Site outside the scope of this Decree without prior written approval of Ecology. In the case of an emergency, MBTOD must notify Ecology of the event and remedial action(s) as soon as practical, but no later than twenty-four (24) hours after discovery of the emergency.

VII. DESIGNATED PROJECT COORDINATORS

1. The project coordinator for Ecology is:

Zak Wall
15700 Dayton Ave N, Shoreline, WA, 98133
425-758-5231
zak.wall@ecy.wa.gov

2. The project coordinator for MBTOD is:

Jonathan Smith
Project Developer
Mercy Housing Northwest
6940 Martin Luther King Jr Way S
Seattle, WA 98118
206-602-2729
Jonathan.Smith@mercyhousing.org

3. Each project coordinator shall be responsible for overseeing the implementation of this Decree. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and MBTOD, and all

documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Decree shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Decree.

4. Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

VIII. PERFORMANCE

1. Except as otherwise provided for by RCW 18.43 and 18.220, all geologic and hydrogeologic work performed pursuant to this Decree shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or under the direct supervision of an engineer registered by the State of Washington.

2. Except as otherwise provided for by RCW 18.43.130, all engineering work performed pursuant to this Decree shall be under the direct supervision of a professional engineer registered by the State of Washington.

3. Except as otherwise provided for by RCW 18.43.130, all construction work performed pursuant to this Decree shall be under the direct supervision of a professional engineer registered by the State of Washington or a qualified technician under the direct supervision of a professional engineer registered by the State of Washington.

4. As required by RCW 18.43 and 18.220, any documents submitted containing geologic, hydrogeologic, or engineering work shall be under the seal of an appropriately licensed professional.

5. MBTOD shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and other key personnel to be used in carrying out the terms of this Decree, in advance of their involvement at the Site.

IX. CERTIFICATION OF DEFENDANT

1. MBTOD represents and certifies that, to the best of its knowledge and belief, it has fully and accurately disclosed to Ecology the information currently in its possession or control that relates to the environmental conditions at and in the vicinity of the Site, or to MBTOD's right and title thereto.

2. MBTOD represents and certifies that it did not cause or contribute to a release or threatened release of hazardous substances at the Site and is not otherwise currently potentially liable for the Site under RCW 70A.305.040(1).

X. ACCESS

1. Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that MBTOD either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Decree; reviewing Defendant's progress in carrying out the terms of this Decree; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Decree; and verifying the data submitted to Ecology by MBTOD.

2. Nothing in this Decree is intended by MBTOD to waive any right it may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If MBTOD withholds any requested records based on an assertion of privilege, it shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Decree shall be considered privileged.

3. MBTOD shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by MBTOD where remedial activities or investigations will be performed pursuant to this Decree.

4. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by MBTOD unless an emergency prevents such notice. All Parties who access the Site pursuant to this section shall comply with any applicable health and safety plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

XI. SAMPLING, DATA SUBMITTAL, AND AVAILABILITY

1. With respect to the implementation of this Decree, MBTOD shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology by submitting data as detailed in this section. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with paragraph 8 of Section VI (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

2. If requested by Ecology, MBTOD shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by MBTOD pursuant to the implementation of this Decree. MBTOD shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow MBTOD and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Decree, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section IX (Access), Ecology shall notify MBTOD prior to any sample collection activity unless an emergency prevents such notice.

3. In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

XII. ACCESS TO INFORMATION

1. MBTOD shall provide to Ecology, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within MBTOD possession or control or that of their contractors or agents relating to activities at the Site or to the implementation of this Decree, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the work. MBTOD shall also make available to Ecology, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the work.

2. Nothing in this Decree is intended to waive any right may have under applicable law to limit disclosure of Records protected by the attorney work-product privilege and/or the attorney-client privilege. If MBTOD withholds any requested Records based on an assertion of privilege, MBTOD shall provide Ecology with a privilege log specifying the Records withheld and the applicable privilege. No Site-related data collected pursuant to this Decree shall be considered privileged, including: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, biological, or engineering data, or the portion of any other record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondents are required to create or generate pursuant to this Order.

3. Notwithstanding any provision of this Order, Ecology retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under any other applicable statutes or regulations.

XIII. RETENTION OF RECORDS

During the pendency of this Decree, and for ten (10) years from the date this Decree is no longer in effect as provided in Section XXV (Duration of Decree), MBTOD shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Decree and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, MBTOD shall make all records available to Ecology and allow access for review within a reasonable time.

XIV. TRANSFER OF INTEREST IN PROPERTY

1. No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by MBTOD without provision for continued operation and maintenance of any containment system, treatment system, and/or monitoring system installed or implemented pursuant to this Decree.

2. Prior to MBTOD's transfer of any interest in all or any portion of the Site, and during the effective period of this Decree, MBTOD shall provide a copy of this Decree to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, MBTOD shall notify Ecology of said transfer. Upon its transfer of any interest, MBTOD shall notify all transferees of the restrictions on the activities and uses of the property under this Decree and incorporate any such use restrictions into the transfer documents.

XV. RESOLUTION OF DISPUTES

1. In the event that MBTOD elects to invoke dispute resolution, MBTOD must utilize the procedure set forth below.

A. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), MBTOD has fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

B. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating: the nature of the dispute; the Defendant's position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

C. MBTOD may then request regional management review of the dispute. MBTOD must submit this request (Formal Dispute Notice) in writing to the Northwest Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

D. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice.

E. If MBTOD finds Ecology's Regional Section Manager's decision of the disputed matter unacceptable, MBTOD may then request final management review of that decision. MBTOD must submit this request (Final Review Request) in writing to the Toxics Cleanup Program Manager within seven (7) calendar days of MBTOD's receipt of the Decision on Dispute. The Final Review Request shall include a written statement of dispute setting forth: the nature of the dispute; the disputing MBTOD's position with respect to the dispute; and the information relied upon to support its position.

F. Ecology's Toxics Cleanup Program Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute (Final Decision on

Dispute) within thirty (30) calendar days of receipt of the Final Review Request. The Toxics Cleanup Program Manager's decision shall be Ecology's final decision on the disputed matter.

2. If Ecology's Final Decision on Dispute is unacceptable to MBTOD, either has the right to submit the dispute to the Court for resolution. The Parties agree that one judge should retain jurisdiction over this case and shall, as necessary, resolve any dispute arising under this Decree. Under RCW 70A.305.070, Ecology's investigative and remedial decisions shall be upheld unless they are arbitrary and capricious.

3. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used. Where either party utilizes the dispute resolution process in bad faith or for purposes of delay, the other party may seek sanctions.

4. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Decree, unless Ecology agrees in writing to a schedule extension or the Court so orders.

5. In case of a dispute, failure to either proceed with the work required by this Decree or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section XXII (Implementation of Remedial Action).

XVI. AMENDMENT OF DECREE

1. The Parties may agree to minor changes to the work to be performed without formally amending this Decree. Minor changes will be documented in writing by Ecology.

2. Substantial changes to the work to be performed shall require formal amendment of this Decree. This Decree may only be formally amended by a written stipulation among the Parties that is entered by the Court, or by order of the Court. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the

formal amendment. Such amendment shall become effective upon entry by the Court. Agreement to amend the Decree shall not be unreasonably withheld by any party.

3. When requesting a change to the Decree, MBTOD shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Decree must be formally amended. Reasons for the disapproval of a proposed change to this Decree shall be stated in writing. If Ecology does not agree to the requested change, the disagreement may be addressed through the dispute resolution procedures described in Section XIII (Resolution of Disputes).

XVII. EXTENSION OF SCHEDULE

1. MBTOD's request for an extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

A. The deadline that is sought to be extended.

B. The length of the extension sought.

C. The reason(s) for the extension.

D. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the party requesting extension to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

A. Circumstances beyond the reasonable control and despite the due diligence of MBTOD including delays caused by unrelated third parties or Ecology, such

as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by MBTOD.

B. A shelter in place or work stoppage mandated by state or local government order due to public health and safety emergencies.

C. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty.

D. Endangerment as described in Section XVI (Endangerment).

3. However, neither increased costs of performance of the terms of this Decree nor changed economic circumstances shall be considered circumstances beyond the reasonable control of MBTOD, except as provided for in Section VI.2 regarding sufficient funding for MBTOD to perform the work.

4. Ecology shall act upon any MBTOD's written request for extension in a timely fashion. Ecology shall give MBTOD written notification of any extensions granted pursuant to this Decree. A requested extension shall not be effective until approved by Ecology or, if required, by the Court. Unless the extension is a substantial change, it shall not be necessary to amend this Decree pursuant to Section XIV (Amendment of Decree) when a schedule extension is granted.

5. At MBTOD's request an extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of one of the following:

A. Delays in the issuance of a necessary permit which was applied for in a timely manner.

B. Other circumstances deemed exceptional or extraordinary by Ecology.

C. Endangerment as described in Section XVI (Endangerment).

XVIII. ENDANGERMENT

1. In the event Ecology determines that any activity being performed at the Site under this Decree is creating or has the potential to create a danger to human health or the environment, Ecology may direct MBTOD to cease such activities for such period of time as it deems necessary to abate the danger. MBTOD shall immediately comply with such direction.

2. In the event MBTOD determines that any activity being performed at the Site under this Decree is creating or has the potential to create a danger to human health or the environment, MBTOD may cease such activities. MBTOD shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, MBTOD shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with MBTOD's cessation of activities, it may direct MBTOD to resume such activities.

3. If Ecology concurs with or orders a work stoppage pursuant to this section, Defendant's obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended, in accordance with Section XV (Extension of Schedule), for such period of time as Ecology determines is reasonable under the circumstances.

4. Nothing in this Decree shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

XIX. COVENANT NOT TO SUE

1. Covenant Not to Sue: In consideration of MBTOD's compliance with the terms and conditions of this Decree, Ecology covenants not to institute legal or administrative actions against MBTOD regarding the release or threatened release of hazardous substances at the Site, as defined in Section IV.1.A. This Covenant Not to Sue does not cover any other hazardous

substance(s) or area. Ecology retains all of its authority relative to any hazardous substance(s) or area not covered by this Decree.

This Covenant Not to Sue shall have no applicability whatsoever to:

A. Criminal liability.

B. Liability for damages to natural resources.

C. Any Ecology action, including cost recovery, against PLPs not a party to this Decree.

2. Pursuant to RCW 70A.305.040(4)(c), the Court shall amend this Covenant Not to Sue if factors not known at the time of entry of this Decree are discovered and present a previously unknown threat to human health or the environment.

3. Reopeners: Ecology specifically reserves the right to institute legal or administrative action against MBTOD to require it to perform additional remedial actions at the Site and to pursue appropriate cost recovery, pursuant to RCW 70A.305.050, under any of the following circumstances:

A. Upon MBTOD's failure to meet the requirements of this Decree.

B. Failure of the remedial action to meet the cleanup standards identified in the CAP (Exhibit D).

C. Upon Ecology's determination that remedial action beyond the terms of this Decree is necessary to abate an imminent and substantial endangerment to human health or the environment.

D. Upon the availability of information previously unknown to Ecology regarding Site factors including the nature, quantity, migration, pathway, or mobility of hazardous substances, and Ecology's determination, in light of this information, that further remedial action is necessary at the Site to protect human health or the environment.

E. Upon Ecology's determination that additional remedial actions are necessary to achieve cleanup standards within the reasonable restoration time frame set forth in the CAP.

4. Except in the case of an emergency, prior to instituting legal or administrative action against MBTOD pursuant to this section, Ecology shall provide MBTOD with fifteen (15) calendar days' notice of such action.

XX. CONTRIBUTION PROTECTION

1. With regard to claims for contribution against MBTOD, the Parties agree that MBTOD are entitled to protection against claims for contribution for matters addressed in this Decree as provided by RCW 70A.305.040(4)(d).

XXI. INDEMNIFICATION

1. MBTOD agree to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property to the extent arising from or on account of acts or omissions of MBTOD, its officers, employees, agents, or contractors in entering into and implementing this Decree. However, MBTOD shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Decree.

XXII. COMPLIANCE WITH APPLICABLE LAWS

1. *Applicable Law.* All actions carried out by MBTOD pursuant to this Decree shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70A.305.090. The permits or specific federal, state, or local requirements that the agency has determined are applicable and that are known at the time of the execution of this Decree have been identified in the CAP, Exhibit D. MBTOD have a continuing obligation to identify additional applicable federal, state,

and local requirements which apply to actions carried out pursuant to this Decree, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or MBTOD, Ecology will document in writing if they are applicable to actions carried out pursuant to this Decree, and the MBTOD must implement those requirements.

2. *Relevant and Appropriate Requirements.* All actions carried out by MBTOD pursuant to this Decree shall be done in accordance with relevant and appropriate requirements identified by Ecology. The relevant and appropriate requirements that Ecology has determined apply have been identified in the CAP, Exhibit D. If additional relevant and appropriate requirements are identified by Ecology or MBTOD, Ecology will document in writing if they are applicable to actions carried out pursuant to this Decree and the MBTOD must implement those requirements.

3. Pursuant to RCW 70A.305.090(1), MBTOD may be exempt from the procedural requirements of RCW 70A.15, 70A.205, 70A.300, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, MBTOD shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70A.305.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Decree to enforce those local government permits and/or approvals. The exempt permits or approvals and the applicable substantive requirements of those permits or approvals, as they are known at the time of the execution of this Decree, have been identified in the CAP, Exhibit D.

4. MBTOD has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Decree. In the event either Ecology or MBTOD determines that additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Decree, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or MBTOD shall be responsible to contact the

appropriate state and/or local agencies. If Ecology so requires, MBTOD shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by MBTOD and on how MBTOD must meet those requirements. Ecology shall inform MBTOD in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Decree. MBTOD shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

5. Pursuant to RCW 70A.305.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70A.305.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and MBTOD shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70A.305.090(1), including any requirements to obtain permits or approvals.

XXIII. REMEDIAL ACTION COSTS

1. MBTOD shall pay to Ecology costs incurred by Ecology pursuant to this Decree and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under RCW 70A.305, including remedial actions and Decree preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the entry of this Decree. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). For all costs incurred, MBTOD shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized

statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly. Ecology has accumulated $ _____ in remedial action costs related to this Site as of _____, as provided by Ecology's Fiscal Office (Revenue and Receivables Unit). This amount will be included in the first billing statement sent after the Decree becomes effective.

2. In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70A.305.060, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

XXIV. IMPLEMENTATION OF REMEDIAL ACTION

1. If Ecology determines that the MBTOD has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to MBTOD, perform any or all portions of the remedial action or at Ecology's discretion allow the MBTOD opportunity to correct. In an emergency, Ecology is not required to provide notice to MBTOD, or an opportunity for dispute resolution. The MBTOD shall reimburse Ecology for the costs of doing such work in accordance with Section XXI (Remedial Action Costs).

2. Except where necessary to abate an emergency or where required by law, the MBTOD shall not perform any remedial actions at the Site outside those remedial actions required by this Decree to address the contamination that is the subject of this Decree, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section XIV (Amendment of Decree). In the event of an emergency, or where actions are taken as required by law, MBTOD must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within twenty-four (24) hours of the discovery of the event.

XXV. PERIODIC REVIEW

1. So long as remedial action continues at the Site, if required by the CAP, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. Unless otherwise agreed to by Ecology, at least every five (5) years after the initiation of cleanup action at the Site the Parties shall confer regarding the status of the Site and the need, if any, for further remedial action at the Site. At least ninety (90) days prior to each periodic review, MBTOD shall submit a report to Ecology that documents whether human health and the environment are being protected based on the factors set forth in WAC 173-340-420(4). Under Section XVII (Covenant Not to Sue), Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Decree.

XXVI. PUBLIC PARTICIPATION

1. Ecology shall maintain the responsibility for public participation at the Site. However, MBTOD shall cooperate with Ecology, and shall:

A. If agreed to by Ecology, develop appropriate mailing lists, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

B. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify MBTOD prior to the issuance of all press releases and fact sheets related to remedial action work to be performed at the Site, and before meetings related

to remedial action work to be performed at the Site with the interested public and/or local governments. For all press releases, fact sheets, meetings, and other outreach efforts by MBTOD that do not receive prior Ecology approval, MBTOD shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

C. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions, or as a presenter.

D. When requested by Ecology, arrange and/or continue information repositories at the following location:

Department Of Ecology Central Records NWRO
15700 Dayton Ave N
Shoreline WA 98133

Columbia City Branch
Seattle Public Library
4721 Rainier Ave S
Seattle, WA 98118

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this Site shall be maintained in the repository at Ecology's Northwest Regional Office in Shoreline, Washington.

XXVII. DURATION OF DECREE

1. The remedial program required pursuant to this Decree shall be maintained and continued until MBTOD has received written notification from Ecology that the requirements of this Decree have been satisfactorily completed. This Decree shall remain in effect until dismissed by the Court. When dismissed, Section XI (Retention of Records), Section XVII (Covenant Not

to Sue), Section XVIII (Contribution Protection), Section XIX (Indemnification), and Section XXVI (Claims Against the State) shall survive.

XXVIII. CLAIMS AGAINST THE STATE

1. MBTOD hereby agree that it will not seek to recover any costs accrued in implementing the remedial action required by this Decree from the State of Washington or any of its agencies; and further, that MBTOD will make no claim against any MTCA account for any costs incurred in implementing this Decree. Except as provided above, however, MBTOD expressly reserve its right to seek to recover any costs incurred in implementing this Decree from any other PLP. This section does not limit or address funding that may be provided under WAC 173-322A.

XXIX. EFFECTIVE DATE

1. This Decree is effective upon the date it is entered by the Court.

XXX. WITHDRAWAL OF CONSENT

1. If the Court withholds or withdraws its consent to this Decree, it shall be null and void at the option of any party and the accompanying Complaint shall be dismissed without costs and without prejudice. In such an event, no party shall be bound by the requirements of this Decree.

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
360-586-6770

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Nhi Irwin
Program Manager
Toxics Cleanup Program
(360) 407-7177

Date: 6/23/2026

NICHOLAS W. BROWN
Attorney General

LeeAnne Kane, WSBA 52101
Assistant Attorney General
360-568-3589

Date: _____

MBTOD PHASE ONE LLLP,
a Washington limited liability limited partnership

By: MBTOD Phase One GP LLC,
a Washington limited liability company
Its: General Partner

By: El Centro de la Raza,
a Washington public benefit nonprofit corporation
Its: Manager
By: _____
Name: _____
Its: _____

Date: _____

By: Mercy Housing Northwest,
a Washington nonprofit corporation
Its: Member
By: _____
Name: _____
Its: _____

Date: _____

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Nhi Irwin
Program Manager
Toxics Cleanup Program
(360) 407-7177

Date: _____

NICHOLAS W. BROWN
Attorney General

LeeAnne Kane, WSBA 52101
Assistant Attorney General
360-568-3589

Date: June 22, 2026

MBTOD PHASE ONE LLLP,
a Washington limited liability limited partnership

By: MBTOD Phase One GP LLC,
a Washington limited liability company
Its: General Partner

By: El Centro de la Raza,
a Washington public benefit nonprofit corporation
Its: Manager
By: _____
Name: _____
Its: _____

Date: _____

By: Mercy Housing Northwest,
a Washington nonprofit corporation
Its: Member
By: _____
Name: _____
Its: _____

Date: _____

PUBLIC REVIEW DRAFT

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Nhi Irwin
Program Manager
Toxics Cleanup Program
(360) 407-7177

Date: _____

NICHOLAS W. BROWN
Attorney General

LeeAnne Kane, WSBA 52101
Assistant Attorney General
360-568-3589

Date: _____

MBTOD PHASE ONE LLLP,
a Washington limited liability limited partnership

By: MBTOD Phase One GP LLC,
a Washington limited liability company
Its: General Partner

By: El Centro de la Raza,
a Washington public benefit nonprofit corporation
Its: Manager
By: Estela Ortega
Name: Estela Ortega
Its: Executive Director

Date: 6/18/2026

By: Mercy Housing Northwest,
a Washington nonprofit corporation
Its: Member
By: _____
Name: _____
Its: _____

Date: _____

PUBLIC REVIEW DRAFT

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Nhi Irwin
Program Manager
Toxics Cleanup Program
(360) 407-7177

Date: _____

NICHOLAS W. BROWN
Attorney General

LeeAnne Kane, WSBA 52101
Assistant Attorney General
360-568-3589

Date: _____

MBTOD PHASE ONE LLLP,
a Washington limited liability limited partnership

By: MBTOD Phase One GP LLC,
a Washington limited liability company
Its: General Partner

By: El Centro de la Raza,
a Washington public benefit nonprofit corporation
Its: Manager
By: _____
Name: _____
Its: _____

Date: _____

By: Mercy Housing Northwest,
a Washington nonprofit corporation
Its: Member
By: _____
Name: Joseph Thompson
Its: President

Date: 6/18/2026

ENTERED this 24th day of June 2026.

JUDGE
King County Superior Court

Mark A. Larrañaga

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
360-586-6770

Exhibit A

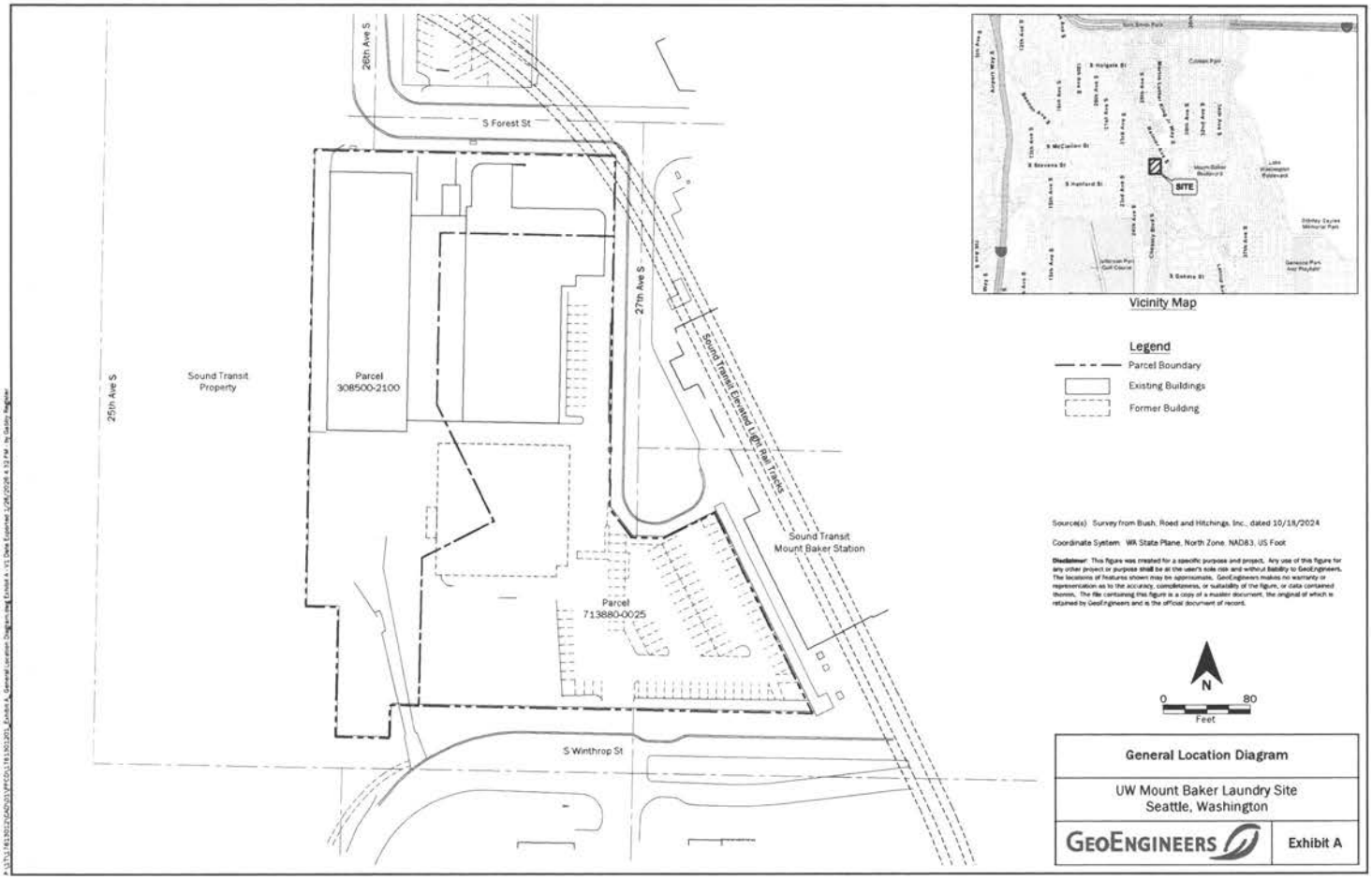

26th Ave S
S Forest St
25th Ave S
Sound Transit
Property
Parcel
308500-2100
27th Ave S
Sound Transit Elevated Light Rail Tracks
Sound Transit
Mount Baker Station
Parcel
713880-0025
S Winthrop St
SITE
Vicinity Map
Legend
Parcel Boundary
Existing Buildings
Former Building
Source(s): Survey from Bush, Roed and Hitchings, Inc., dated 10/18/2024
Coordinate System: WA State Plane, North Zone, NAD83, US Foot
Disclaimer: This figure was created for a specific purpose and project. Any use of this figure for any other project or purpose shall be at the user's sole risk and without liability to GeoEngineers. The locations of features shown may be approximate. GeoEngineers makes no warranty or representation as to the accuracy, completeness, or suitability of the figure, or data contained thereon. The file containing this figure is a copy of a master document, the original of which is retained by GeoEngineers and is the official document of record.
N
0
80
Feet
General Location Diagram
UW Mount Baker Laundry Site
Seattle, Washington
GeoEngineers
Exhibit A

Exhibit B

EXHIBIT B

PROPERTY DESCRIPTION

Parcel Y (King County Parcel No. 308500-2100)

PARCEL A OF LOT BOUNDARY ADJUSTMENT NUMBER 2400996, RECORDED UNDER RECORDING NUMBER 20040331900021, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION CONVEYED TO CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY BY DEED RECORDED UNDER RECORDING NUMBER 20110901000445, IN KING COUNTY, WASHINGTON, BEING A RERECORDING OF 20050331002461;

AND EXCEPT THAT PORTION OF SAID PARCEL A, LYING SOUTH AND EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE WEST RIGHT OF WAY MARGIN OF 27TH AVENUE SOUTH AND THE EAST LINE OF SAID PARCEL A, WHICH BEARS SOUTH 01°03'27" WEST, A DISTANCE OF 73.94 FEET FROM THE NORTHEAST CORNER OF SAID PARCEL A;
THENCE NORTH 88°54'09" WEST, A DISTANCE OF 161.05 FEET;
THENCE SOUTH 01°05'51" WEST, A DISTANCE OF 158.64 FEET;
THENCE SOUTH 26°13'50" EAST, A DISTANCE OF 119.25 FEET;
THENCE SOUTH 63°46'10" WEST, A DISTANCE OF 74.58 FEET;
THENCE SOUTH 01°05'51" WEST, A DISTANCE OF 136.88 FEET TO THE SOUTH LINE OF SAID PARCEL A AND THE TERMINUS OF THIS DESCRIBED LINE;

THE TERMINUS OF THE ABOVE-DESCRIBED LINE BEARS NORTH 88°54'09" WEST, A DISTANCE OF 197.86 FEET FROM THE SOUTHEAST CORNER OF SAID PARCEL A.

Parcel Z (King County Parcel No. 713880-0025)

LOTS 3 THROUGH 14 IN BLOCK 6 OF RAINIER VALLEY SECOND ADDITION TO THE CITY OF SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 13 OF PLATS AT PAGE 77, IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 30 FEET OF LOTS 3 THROUGH 8 CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 83253 FOR STREET PURPOSES, AS PROVIDED FOR BY CITY OF SEATTLE ORDINANCE NUMBER 25148;

TOGETHER WITH THAT PORTION OF VACATED EAST AND WEST ALLEY ADJOINING OF ABUTTING THEREON, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW, AS PROVIDED FOR CITY OF SEATTLE ORDINANCE NUMBER 82793;
AND TOGETHER WITH THAT PORTION OF VACATED 27TH AVENUE SOUTH ADJOINING OF ABUTTING THEREON, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW, PURSUANT TO CITY OF SEATTLE ORDINANCE NUMBER 91132, LYING SOUTHERLY OF THE SOUTH MARGIN OF SOUTH STEVENS STREET AND NORTHERLY OF THE NORTH MARGIN OF SOUTH WINTHROP STREET AS ESTABLISHED

IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 83253, AS PROVIDED FOR BY CITY OF SEATTLE ORDINANCE NUMBER 25148;

AND TOGETHER WITH THAT PORTION OF PARCEL A, OF LOT BOUNDARY ADJUSTMENT NUMBER 2400996, RECORDED UNDER RECORDING NUMBER 20040331900021, IN KING COUNTY, WASHINGTON, LYING SOUTH AND EAST OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE WEST RIGHT OF WAY MARGIN OF 27TH AVENUE SOUTH AND THE EAST LINE OF SAID PARCEL A, WHICH BEARS
SOUTH 01°03'27" WEST, A DISTANCE OF 73.94 FEET FROM THE NORTHEAST CORNER OF SAID PARCEL A;
THENCE NORTH 88"54'09" WEST. A DISTANCE OF 161.05 FEET;
THENCE SOUTH 01°05'51" WEST, A DISTANCE OF 158.64 FEET;
THENCE SOUTH 26°13'50" EAST, A DISTANCE OF 119.25 FEET;
THENCE SOUTH 63°46'10" WEST, A DISTANCE OF 74.58 FEET;
THENCE SOUTH 01°05'51" WEST, A DISTANCE OF 136.88 FEET TO THE SOUTH LINE OF SAID PARCEL A AND THE TERMINUS OF THIS DESCRIBED LINE;

THE TERMINUS OF THE ABOVE-DESCRIBED LINE BEARS NORTH 88°54'09" WEST, A DISTANCE OF 197.86 FEET FROM THE SOUTHEAST CORNER OF SAID PARCEL A.

AND EXCEPT THAT PORTION CONVEYED TO CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY BY DEED RECORDED UNDER RECORDING NUMBER 20110901000445, BEING A RERECORDING OF 20050331002461.

Parcel III - King County Parcel No. 713830-0015

LOTS 3 THROUGH 6, BLOCK 1 OF RAINIER VALLEY ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 97, IN KING COUNTY, WASHINGTON

Exhibit C

EXHIBIT C

SCOPE OF WORK AND SCHEDULE

PURPOSE

Pursuant to this Prospective Purchaser Consent Decree (PPCD or Decree), MBTOD will complete a Remedial Investigation, Feasibility Study and Cleanup Action Plan for the UW Mount Baker Laundry Site (Site as defined in this Decree) and the Property (as described in Exhibit B) in accordance with the Model Toxics Control Act (MTCA) regulations, Washington Administrative Code (WAC) 173-340, for submittal to Ecology for review and approval. The draft Remedial Investigation (RI), draft Feasibility Study (FS) and Draft Cleanup Action Plan (DCAP) have been prepared by MBTOD under a grant agreement (Grant) from Ecology and have been submitted for public comment. The final cleanup remedy for the Site will be selected by Ecology in consideration of the Draft CAP and presented in Ecology's Final Cleanup Action Plan (CAP), attached to this Decree as Exhibit D. The CAP and implementation of the selected cleanup action(s) discussed in this Scope of Work and Schedule will be based on the DCAP completed under the Grant.

MBTOD shall coordinate with Ecology throughout preparation of the CAP and implementation of the cleanup and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues as they develop.

The Scope of Work (SOW) is organized into four tasks as follows:

Task 1. Final Remedial Investigation and Feasibility Study
Task 2. State Environmental Policy Act (SEPA) Compliance
Task 3. Public Participation
Task 4. Final Cleanup Action Plan and Implementation of Cleanup

TASK 1. FINAL REMEDIAL INVESTIGATION AND FEASIBILITY STUDY

MBTOD shall complete a Final RI and FS following public review of the draft RI and FS. The Final RI and FS shall be based on the draft RI and FS and MBTOD shall submit the Final RI and FS to Ecology for review and approval.

TASK 2. SEPA COMPLIANCE

MBTOD shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the cleanup work to Ecology. If the result of the threshold determination is a determination of significance (DS), MBTOD shall be responsible for the preparation of Draft and Final environmental impact statements. MBTOD shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public

involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

TASK 3. PUBLIC PARTICIPATION

MBTOD shall support Ecology in presenting the SEPA evaluations at public meeting(s) or hearing(s), as required. MBTOD will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

After the public comment periods are completed and if more than 10 comments are received, MBTOD shall prepare an Agency Review Draft Responsiveness Summary that addresses public comments and submit the summary to Ecology for review and approval.

After addressing Ecology's comments and after Ecology approval, MBTOD shall prepare the Final Responsiveness Summary and submit the summary to Ecology for distribution. The Ecology Project Coordinator will determine the number and type of document (electronic, print copy, etc.).

TASK 4. FINAL CLEANUP ACTION PLAN AND IMPLEMENTATION OF CLEANUP

As of the filing of this Decree, MBTOD has prepared a dCAP in accordance with WAC 173-340-380 presenting the Property-specific remedy approved by Ecology. The dCAP includes a description of the selected remedial actions to address the contamination present on the Site, cleanup standards and rationale regarding their selection, a schedule for implementation, description of any institutional controls planned, and a summary of applicable local, state, and federal laws pertinent to the planned cleanup actions.

Upon Ecology's issuance of the Final CAP, MBTOD shall implement the cleanup action according to WAC 173-340-400. MBTOD shall furnish all personnel, materials, and services necessary for, or incidental to, preparing plans and reports, and the implementation of the Cleanup Action. Submittals of deliverables shall be prepared in accordance with WAC 173-340-840, General Submittal Requirements.

SCHEDULE OF DELIVERABLES

The schedule for this Scope of Work is presented below. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday.

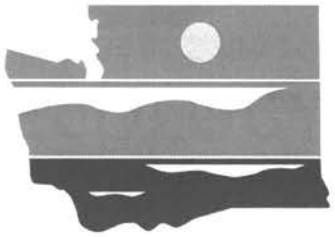
Deliverables		Due[1]
A. Administrative		
A.1	File Prospective Purchaser Consent Decree in Court	Within 30 days of execution by MBTOD and Ecology

A.2	PPCD approval and entry by the Court (PPCD effective date)	
A.2	Monthly Progress Reports to Ecology	Following the PPCD Effective Date through the completion of construction activities, on the 10th of each month beginning after the effective date of the PPCD. Thereafter, annually on the CD anniversary date.
	B. Cleanup Action	
B.1	Final RI and FS	Within 30 days of receipt of Ecology's comments on Draft RI/FS or within 30 days of the PPCD Effective Date, whichever occurs last (A.1).
B.2	SEPA Checklist	As appropriate
B.3	Final CAP[2]	Within 30 days of the PPCD Effective Date or within 60 days of approval of the DCAP, whichever occurs last (A.1)
B.4	Implement CAP as part of construction for property redevelopment	Initiation with the start of redevelopment construction following completion of project design, as defined in the CAP schedule (B.3).
B.5	Draft Cleanup Action Report (CAR)	Submit to Ecology within 90 days of completion of construction (B.4)
B.6	Final CAR	Submit to Ecology within 30 days following Ecology approval of Draft CAR (B.5)

[1] *Schedule is in calendar days. Deliverable due date may be modified with Ecology concurrence without amendment to the Prospective Purchaser Consent Decree.*

[2] *The CAP includes: Confirmation Soil Sampling Plan, Contingency Plans and an Inadvertent Discovery Plan (IDP).*

Exhibit D



DEPARTMENT OF
ECOLOGY
State of Washington

Cleanup Action Plan
UW Mount Baker Laundry Site/Mount Baker Station Development

2901 27th Avenue South, Seattle, Washington
Facility Site ID 19911937, Cleanup Site ID 17017

Toxics Cleanup Program

Washington Department of Ecology
Shoreline, Washington

June 2026

Document Information

This document is available in the Department of Ecology's UW Mount Baker Laundry cleanup site webpage[1].

Related Information

- Cleanup site ID: 17017
- Facility site ID: 19911937

Contact Information

Toxics Cleanup Program[2]

Northwest Regional Office
Zak Wall, LG, Site Manager
15700 Dayton Ave N
Shoreline, WA 98133
Phone: 425-758-5231

ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact the Ecology ADA Coordinator by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website[3] for more information.

Language Access

The Department of Ecology offers free translation and interpretation services. If you need help in your preferred language, please call Augie Nuszer at 425-533-5537 and request an interpreter, or email naug461@ecy.wa.gov.

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[1] https://apps.ecology.wa.gov/cleanupsearch/site/17017
[2] https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Toxics-Cleanup
[3] https://ecology.wa.gov/ADA

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

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 47600 Olympia, WA 98504	360-407-6000

Table of Contents

Introduction **5**

Declaration 5

Applicability 5

Administrative Record 6

Cleanup Process 6

Site Background **7**

History 7

Investigations 8
- 2019 Phase I ESA 8
- 2019 Phase II ESA 9
- Remedial Investigation 10
- PPCD 10

Physical Characteristics 10
- Topography and Climate 10
  - Topography 10
  - Climate 10
- Regional Geology and Hydrogeology 11
  - Regional Geology 11
  - Regional Hydrogeology 11

Remedial Investigation **11**

Soil 11

Groundwater 12

Risks to Human Health and Environment 13
- Potential Human Health and Environmental Risks 13

Cleanup Standards **14**

Overview 15

Site Use 15

Terrestrial Ecological Evaluation 16

Site Cleanup Levels 16

Points of Compliance 17

Cleanup Action Selection **17**

Remedial Action Objectives 17

Cleanup Action Alternatives 18
- Alternative 1: In-Situ Treatment and Engineering/Institutional Controls 18
- Alternative 2: Excavation and Off-Site Disposal and Engineering/ Institutional Controls 19

Regulatory Requirements 20
- General Requirements 20

Action-specific Requirements 20
Media-specific Requirements 20
Determination of Reasonable Restoration Time Frame 20
Determining Permanent to the Maximum Extent Practicable 21
Cleanup Action Expectations 22
Applicable, Relevant, and Appropriate State and Federal Laws, and Local Requirements 22
Evaluation of Cleanup Action Alternatives 23
Regulatory Requirements 23
General Requirements 23
Action-specific Requirements 25
Media-specific Requirements 25
Public Concerns and Tribal Rights and Interests 26
Vulnerable Populations and Overburdened Communities 26
Determination of Reasonable Restoration Time Frame 26
Determining Permanent to the Maximum Extent Practicable 26
Protectiveness 27
Permanence 27
Long-term Effectiveness 27
Management of Implementation Risk 28
Technical and Administrative Implementability 28
Cost 29
PMEP Evaluation and Results 29
Groundwater Cleanup Requirements 30
Cleanup Action Expectations 30
ARARs 31
Decision 31
Selected Cleanup Action 32
Soil Cleanup: Excavation and Off-site Disposal 32
Groundwater Cleanup: Treatment and Long-term Monitoring 33
Institutional Controls 34
Financial Assurances 34
Periodic Review 34
References 35
Appendix A. Figures 36
Appendix B. Tables 37
Appendix C. Terrestrial Ecological Evaluation 38

Introduction

This report presents the Washington Department of Ecology's (Ecology) proposed cleanup action for the UW Mount Baker Laundry (Site). The general location of the Site is shown in Figure A.1. Site map in Appendix A.

Ecology is responsible for selecting the cleanup action and completing the Cleanup Action Plan (CAP). The selected cleanup action is intended to fulfill the requirements of the Model Toxics Control Act (MTCA) and is a required part of the cleanup process under the following regulations and statute:

- MTCA, Chapter 70A.305 Revised Code of Washington (RCW).
- MTCA Cleanup Regulation, Chapter 173-340 of the Washington Administrative Code (WAC).

The purpose of the CAP is to identify the proposed cleanup action for the Site and to provide an explanatory document for public review that:

- Describes the history of operations, ownership, and activities at the Site
- Summarizes nature and extent of contamination
- Summarizes the cleanup action alternatives considered in the remedy selection process
- Identifies site-specific cleanup levels (CULs) and points of compliance for each hazardous substance and medium of concern for the proposed cleanup action
- Identifies applicable state and federal laws for the proposed cleanup action
- Describes the selected cleanup action for the site and the rational for selecting this alternative
- Identifies residual contamination remaining on the site after cleanup and restrictions on future uses and activities at the site to ensure continued protection of human health and the environment
- Discusses any required compliance monitoring and institutional controls
- Presents the schedule for implementing the CAP

Declaration

Ecology has selected this remedy because it will be protective of human health and the environment. Furthermore, the selected remedy is consistent with the State of Washington's preference for permanent solutions, as stated in RCW 70A.305.040(1)(b).

Applicability

Cleanup standards specified in this CAP are applicable only to the UW Mount Baker Site. They were developed as a part of an overall remediation process under Ecology oversight using the authority of MTCA and should not be considered as setting precedents for other sites.

Administrative Record

The documents used to make the decisions discussed in this CAP are on file in the administrative record for the Site. Major documents are listed in the References section. The entire administrative record for the Site is available for public review by appointment at Ecology's Northwest Regional Office, located at 15700 Dayton Ave N, Shoreline, Washington, 98133. Results from applicable studies and reports are summarized to provide background information pertinent to the CAP. These studies and reports include:

- Phase I Environmental Site Assessment, UW Laundry Property, 2901 27th Avenue South, Seattle, Washington. Prepared for City of Seattle. October, 2019.
- Phase II Environmental Site Assessment, UW Laundry Property, 2901 27th Avenue South, Seattle, Washington. Prepared for City of Seattle. December, 2019.
- Geotechnical Engineering Services Phase 1 Report, Mount Baker Transit Oriented Development, Seattle, Washington. Prepared for Mercy Housing Northwest. September, 2025.
- Remedial Investigation/Feasibility Study, UW Mount Baker Laundry Study/Mount Baker Station Development, 2901 27th Avenue South, Seattle, Washington. Prepared for Washington State Department of Ecology on behalf of Mercy Housing. June 18, 2026.

Cleanup Process

Cleanup conducted under the MTCA process requires the PLPs or Ecology to prepare specific documents. These procedural tasks and resulting documents, along with the MTCA section requiring their completion, are listed below with a brief description of each task.

- Public Participation Plan (WAC 173-340-600) — summarizes the methods that will be implemented to encourage coordinated and effective public involvement. Ecology prepares this document.
- RI/FS (WAC 173-340-350) — documents the investigations and evaluations conducted at the Site from the discovery phase to the RI/FS document. The RI collects and presents information on the nature and extent of contamination and the risks posed by the contamination. The FS presents and evaluates Site cleanup alternatives and may propose a preferred cleanup alternative. The documents are usually prepared by the PLPs, accepted by Ecology, and undergo public comment.
- CAP (WAC 173-340-380) — sets cleanup standards for the Site, and selects the cleanup actions intended to achieve the cleanup standards. Ecology issues the document, and it undergoes public comment.
- Engineering Design Report, Construction Plans and Specifications (WAC 173-340-400) — outlines details of the selected cleanup action, including any engineered systems and design components from the CAP. These may include construction plans and specifications with technical drawings. The PLPs usually prepare the document, and Ecology approves it. Public comment is optional.
- Operation and Maintenance Plan(s) (WAC 173-340-400) — summarizes the requirements for inspection and maintenance of remediation operations. They include

- Operation and Maintenance Plan(s) (WAC 173-340-400) — summarizes the requirements for inspection and maintenance of remediation operations. They include any actions required to operate and maintain equipment, structures, or other remedial systems. The PLPs usually prepare the document, and Ecology approves it.
- Cleanup Action Report (WAC 173-340-400) — provides details on the cleanup activities along with documentation of adherence to or variance from the CAP following implementation of the cleanup action. The PLPs usually prepare the document, and Ecology approves it.
- Compliance Monitoring Plan (WAC 173-340-410) — details the monitoring activities required to ensure the cleanup action is performing as intended. The PLPs usually prepare the document, and Ecology approves it.

Site Background

This section summarizes the Site's history, investigations of contamination issues, and physical characteristics.

History

The Mount Baker Station Development Property is located at 2901 27th Avenue South, Seattle, and is owned by the City of Seattle (King County Parcel Nos. 308500-2100, 713830-0015, and 713880-0025). The Property is currently zoned for commercial use and is occupied by asphalt parking lots, a concrete slab, and one vacant building. A location map and Site boundaries are provided as Figures A-1 and A-2.

The Property was originally developed by 1916 with a single-family residence in the northeastern portion, which was demolished by 1950. In 1957 a bowling alley (Building 1) was constructed on the northern portion of the Property and operated as Rainier Lanes until it was purchased by the University of Washington (UW) in 1983 and converted to the UW consolidated laundry, which operated as an industrial-sized laundry from at least 1983 until 2009. While the laundry did not conduct dry cleaning, records indicate that solvents and hazardous materials were removed from the Property approximately a decade after bowling alley operations ceased. A second building (Building 2) was built centrally in 1963 and occupied by A and P Food Stores, later Value Village, Grocery Outlet, and finally as the UW Kings Hall until its demolition in 2025 for planned redevelopment. A concrete slab remains at the former location of Building 2.

The UW Mount Baker Laundry Site is listed in the Washington State Department of Ecology's database of confirmed and suspected contaminated sites (Facility/Site ID No. 19911937; Cleanup Site ID No. 17017). Ecology's Contaminated Site Register includes all three City of Seattle owned parcels that make up the Property as part of the Site; however, contamination exceeding MTCA cleanup levels was not identified on Parcel 713830-0015 based on the findings of the RI, thus the Site is limited to King County Tax Parcels 308500-2100 and 713880-0025. The Site is enrolled in the Affordable Housing Cleanup Grant program administered by Ecology, as

Grant Number OTGP-2025-MHNW-00084. Mercy Housing Northwest and El Centro de la Raza intend to redevelop the Property into a mixed-use affordable family rental housing project. Mercy Housing Northwest and El Centro de la Raza have entered a partnership, MBTOD Phase One LLLP, and are negotiating a Prospective Purchaser Consent Decree (PPCD) with Ecology. The remedial actions described in this CAP would be conducted by those parties pursuant to the PPCD. The first phase of construction, including residential and early learning community space, is targeted to begin in 2026. Site cleanup will occur concurrently with initial redevelopment.

Surrounding property use is generally mixed-use, with retail, restaurants, office buildings, high-density residential structures, Seattle Parks and Recreation Department properties, and the Sound Transit Link Light Rail in proximity. Immediate neighbors include commercial buildings and South McClellan Street to the north, Cheasty Boulevard and mixed commercial/residential use to the south, 27th Avenue South with the Mount Baker Light Rail Station to the east, and Cheasty Greenspace to the west.

Environmental investigations, including a 2019 Phase II ESA and a 2025 Remedial Investigation , have identified contaminant impacts primarily in the northern and northeastern portions of the Site. These areas of the Site are identified as Remedial Areas 1 and 2 (see Figures A-2 and A-3). A cross section of Remedial Areas 1 and 2 is presented as Figure A-4. Contaminants of concern exceeding MTCA regulatory cleanup levels include lead, and oil-range total petroleum hydrocarbon (TPH-O) in soil. Concentrations of diesel-range total petroleum hydrocarbons (TPH-D) and TPH-O exceeded MTCA regulatory cleanup levels in some groundwater samples collected from soil borings; however, TPH-D and TPH-O have not been detected in groundwater samples collected from monitoring wells at the Site. The results of RI groundwater monitoring performed at the Site preliminarily demonstrate that shallow groundwater at the Site is not contaminated. This conclusion will be further informed by the results of additional RI groundwater monitoring.

These impacts are associated with historical operations, imported fill, and a former underground storage tank (UST).

Investigations

2019 Phase I ESA

Sound Earth Strategies, Inc. (SES) conducted a Phase I Environmental Site Assessment (ESA) in 2019 for King County Parcel Nos. 308500-2100 and 713880-0025 (SES, 2019a). The Phase I ESA identified the following recognized environmental conditions (RECs) in connection with Parcels:

- Fuel Oil UST on the Property. A 4,000-gallon fuel oil UST was reported to be present on the northern portion of the Property. No records of decommissioning were found. Database records list the installation date as January 1964, which is the default date for an unknown installation. Building records indicate that the UST was used to fuel two boilers located in the northern portion of Building 1; however, an interviewee indicated that the tank was used to store fuel for an offsite generator. The use and storage of fuel

oil on the Property is considered a REC for the Site. A ground penetrating radar (GPR) survey conducted during the Phase II ESA did not identify the UST.

- Bowling alley operations on the Property. Between 1957 and at least 1980, Building 1 was occupied by a bowling alley. During this era, chlorinated solvents and petroleum-based solvents were commonly used to clean equipment in bowling alleys. The possibility of a release during the use and storage of these materials is considered a REC for the Site.
- Laundry facility operations on the Property. Building 1 was converted to an industrial laundry facility in 1983, and operated until 2019. Interviewees state that no dry-cleaning operations occurred on the Property; however, records confirm that hazardous waste was removed from the Property while the laundry was operational. The former laundry operations are considered a REC for the Site.
- Fill material beneath the Property. Records indicate that 5,200 cubic yards of fill material were used during grading of the Property in approximately 1983. The source and quality of this fill material is unknown and constitutes a REC for the Property.

2019 Phase II ESA

In 2019, SES (2019b) conducted a limited subsurface investigation at the Property to investigate the RECs identified in the Phase I ESA. Eighteen soil borings (identified as P01 through P18) were advanced to depths of 15 to 25 feet below ground surface (bgs). The 2019 Phase II ESA boring locations are shown in Figure A-2. Soil samples were collected from each boring at depths of 5 to 20 feet bgs and analyzed for volatile organic compounds (VOCs), metals, cPAHs and petroleum hydrocarbons. Eleven grab groundwater samples were collected from the borings and analyzed for VOCs and petroleum hydrocarbons. A focused GPR survey was completed in an attempt to locate the UST situated on the northern portion of the Property, but the GPR survey did not identify the UST location.

- Soil - TPH-O was detected in the soil sample collected from 10 feet bgs in boring P13, located in the northeast corner of the Property, at a concentration of 3,700 milligrams per kilogram (mg/kg), which exceeds the MTCA Method A CUL of 2,000 mg/kg. TPH-D, TPH-O, and lead were detected at concentrations less than MTCA Method A CULs in several other soil samples. The TPH-impacted soil in the northeastern portion of the Property may be associated with the fill material placed at the Property in approximately 1983.
- Groundwater - TPH-D and TPH-O were detected in the grab groundwater sample collected from boring P13 at concentrations of 910 and 520 micrograms per liter (µg/L), respectively). These concentrations exceed the MTCA Method A CULs of 500 µg/L. The TPH-impacted groundwater in the northeastern portion of the Property may be associated with the fill material placed at the Property in approximately 1983. TPH-D was detected in the grab groundwater sample collected from boring P16, located adjacent to the 4,000-gallon fuel oil UST, at a concentration of 1,800 µg/L, which is greater than the MTCA Method A CUL of 500 µg/L. TPH was detected in several other grab groundwater samples, but at concentrations less than the applicable CULs. No other analytes were detected at concentrations greater than the laboratory recording

limits (RLs) in the 2019 Phase II ESA grab groundwater samples. The TPH-impacted groundwater at the location of boring P16 may be related to the adjacent UST.

Remedial Investigation

In 2025 through 2026, GeoEngineers conducted an RI at the Property in accordance with WAC 173-340-350(7) to characterize geological and hydrogeological conditions at the Site; evaluate potential environmental conditions resulting from historical operations at the Site; and further evaluate the nature and extent of environmental media with contaminants of concern (COCs) at concentrations greater than the MTCA Method A CULs at the Site. The findings of the RI are summarized in the "Remedial Investigation" section below and indicate that the majority of the Site is located within the Property boundary. Detailed results are also presented in the Remedial Investigation/Feasibility Study, which was submitted to Ecology's Toxics Cleanup Program in June 2026 (GeoEngineers 2026b).

PPCD

The parties that may take an ownership interest in the Site and conduct cleanup and redevelopment have negotiated a Prospective Purchaser Consent Decree (PPCD) with Ecology. The remedial actions described in this CAP would be conducted by those parties pursuant to the PPCD.

Under the PPCD, MBTOD Phase One LLLP are entering into a consent decree with Ecology, agreeing to conduct site investigations and implement necessary remedial actions under regulatory oversight. The PPCD enrollment ensures that the Site remediation and redevelopment activities will proceed in accordance with applicable state requirements, while also providing the property owner with assurances regarding future liability for cleanup actions completed under the PPCD.

Physical Characteristics

Topography and Climate

Topography

The Site topography generally descends from west to east, with the highest elevation at the southwest corner at approximately Elevation 90 feet and the lowest elevation at approximately Elevation 54 feet near the northeast corner (GeoEngineers 2026b).

Climate

The Seattle region has a maritime climate, with warm winters and cool summers. The average annual low temperature is 45 degrees Fahrenheit (°F) and 59°F is the average annual high temperature; Seattle receives 34 inches of precipitation on average every year, with the majority falling between the months of October and March (U.S. Climate Data 2024).

Regional Geology and Hydrogeology

Regional Geology

Subsurface investigations at the Site, including the installation of environmental and geotechnical borings and wells, indicate that soils generally consist of anthropogenic fill materials—such as sand with variable amounts of silt and gravel, silt, and occasional wood and brick fragments—extending to depths of up to 10 feet bgs. The fill overlies natural alluvial (recessional lacustrine) deposits composed mainly of clay with variable silt and sand, which in turn are underlain by Vashon-age glacial deposits of silt, sand, gravel, and clay (GeoEngineers 2025b, GeoEngineers 2026b).

Regional Hydrogeology

Shallow groundwater was encountered at depths ranging from approximately 3.7 to 11.9 feet bgs in monitoring wells screened within the upper 15 feet of soil, reflecting a perched aquifer above the low-permeability clay layer. The shallow aquifer generally flows to the southeast, consistent with regional trends, but localized confinement by fill material creates variations in groundwater levels across the Site. Deeper monitoring wells installed below the confining clay layer indicate the presence of a deeper, confined, and pressurized aquifer, which also exhibits a general eastward groundwater flow direction. These flow directions and observed gradients are consistent with those documented by quarterly groundwater monitoring events (GeoEngineers 2025b, GeoEngineers 2026b).

Remedial Investigation

An RI was performed to assess the nature and extent of contamination. Soil and groundwater were investigated to determine whether they were impacted by Site contaminants. Additional information regarding Site activities, sampling, analyses, and methodology is contained in the RI/FS (GeoEngineers 2026b).

Soil

In February, March, and December 2025, GeoEngineers conducted remedial investigation activities at the Property. A total of 42 soil samples were collected for chemical analysis from 18 borings advanced using direct-push and hollow-stem auger methods. Initial subsurface exploration included five direct-push borings, RI-DP1 through RI-DP5, inside Building 1 and five hollow-stem auger borings, RI-MW1 through RI-MW5, around the Property perimeter, with borings advanced to depths of up to 26.5 feet below ground surface (Figure A-2) (GeoEngineers 2025b, GeoEngineers 2026b). Additional samples were collected from geotechnical borings GEI-1 and GEI-2 and additional direct-push borings RI-DP6 through RI-DP12) advanced to further delineate COC extent near prior detections.

All soil samples were classified and screened in the field and then submitted to an Ecology-certified laboratory for analysis. Analyses included gasoline-, diesel-, and oil-range hydrocarbons by Northwest Methods NWTPH-Gx and NWTPH-Dx, with and without silica gel

cleanup, VOCs (including benzene, toluene, ethylbenzene, and xylenes [BTEX]) by United States Environmental Protection Agency (EPA) Method 8260D, polycyclic aromatic hydrocarbons (PAHs) by EPA Method 8270E/SIM, and total Resource Conservation and Recovery Act (RCRA) 8 metals by EPA Methods 6000 and 7000, per the RI/FS Work Plan (GeoEngineers 2025a).

Lead was detected at concentrations exceeding the Washington MTCA Method A cleanup level in soil samples collected from boring RI-MW3 at 8.8 and 10.5 feet bgs and boring RI-DP8 at 10.5 feet bgs. All other metals either were detected at a concentration less than MTCA cleanup levels or were not detected, based on laboratory practical quantitation levels (PQLs), in the soil samples analyzed (GeoEngineers 2026b).

Total petroleum hydrocarbons as gasoline-, diesel, and oil-range organics; and PAHs either were detected at concentrations less than MTCA cleanup levels or were not detected, based on laboratory PQLs, in the soil samples analyzed.

VOCs were not detected at concentrations exceeding MTCA cleanup levels in soil samples collected at the Property (GeoEngineers 2026b). The VOC tetrachloroethene (PCE) was detected at a concentration of 0.0024 mg/kg in the soil sample collected at boring RI-DP3 at a depth of 4 feet bgs. This concentration is below the MTCA CUL of 0.05 mg/kg.

Groundwater

The groundwater investigation consisted of advancing collecting grab groundwater samples from temporary wells in direct push borings RI-DP1, RI-DP2, and RI-DP4 in February and March 2025 and measuring depth to groundwater and collecting groundwater samples from monitoring wells RI-MW1 through RI-MW5 during four consecutive quarterly groundwater monitoring events in 2025. During RI groundwater sampling, Ecology requested supplemental RI groundwater sampling for total and dissolved lead. This supplemental sampling is on-going at the time of publication of this plan. The results of the supplemental RI groundwater sampling will be presented in a future RI addendum that will further evaluate the soil to groundwater pathway.

A total of three grab groundwater and 27 groundwater samples were submitted to an Ecology-certified laboratory for analysis for gasoline-, diesel-, and oil-range hydrocarbons by Northwest Methods NWTPH-Gx and NWTPH-Dx, with and without silica gel cleanup, VOCs (including BTEX) by EPA Method 8260D, and total and dissolved lead by EPA Method 200.8, in accordance with the RI/FS Work Plan (GeoEngineers 2025a).

Petroleum hydrocarbons, lead, and VOCs, were not detected at concentrations exceeding MTCA Method A Cleanup Levels (GeoEngineers 2026b) in the samples. Benzene was detected in only the grab groundwater sample from RI-DP2; the detected concentration was 0.67 µg/L. Acetone was detected in two samples collected from RI-MW1 at a maximum concentration of 7.2 µg/L. PCE was detected in samples collected from RI-MW1, RI-MW3, and RI-MW4; the maximum detected concentration was 1.0 µg/L in the sample collected from RI-MW3. Trichloroethene (TCE) was detected in samples collected from RI-MW3; the maximum detected concentration was 0.48 µg/L. Cis-1,2-Dichloroethene was detected in one sample from RI-MW3 at a concentration of 0.34 µg/L. Groundwater sampling completed at the Site during the RI

indicates groundwater at the Site is not contaminated. Groundwater at the Site is being further evaluated during ongoing supplemental groundwater monitoring requested by Ecology.

Risks to Human Health and Environment

Historical property uses, including fill placement, laundry and bowling alley operations, and storage of fuel in a UST, have resulted in contamination exceeding MTCA CULs in two locations at the Site: Remedial Area 1 and Remedial Area 2. The locations of these areas are shown in Figure A-2. These areas are described as follows:

- Remedial Area 1 – This includes part of the northern portion of King County Parcel No. 308500-2100 where a UST is located and groundwater is impacted with TPH-D at concentrations greater than MTCA Method A CULs based on the results of grab groundwater samples collected from boring P16. The results of analysis of grab groundwater samples may not be representative of actual groundwater conditions due to the potential for suspended sediments to bias analytical results. TPH-D and TPH-O were not detected at concentrations exceeding MTCA CULs in the four quarterly RI groundwater samples collected from monitoring wells RI-MW1, which was installed in Remedial Area 1 (GeoEngineers 2026b). TPH-D, TPH-O, and BTEX constituents (i.e., benzene, toluene, ethylbenzene, and xylenes) were detected at concentrations less than MTCA Method A or B CULs in soil samples collected from Remedial Area 1.
- Remedial Area 2 – This includes part of the northeastern portion of King County Parcel No. 308500-2100 where groundwater is impacted with TPH-D and TPH-O at concentrations greater than MTCA Method A CULs based on the results of grab groundwater samples collected from boring P13. TPH-D and TPH-O were not detected at concentrations exceeding MTCA CULs in the four quarterly RI groundwater samples collected from monitoring wells RI-MW3, which was installed in Remedial Area 2 (GeoEngineers 2026b). Lead and TPH-O are present at concentrations greater than MTCA Method A CULs in soil in Remedial Area 2 at depths between approximately 8.8 and 10.5 feet bgs (GeoEngineers 2026b; SES 2019b). The concentrations of lead exceed the threshold that results in classification of this soil as hazardous waste under Washington State Dangerous Waste Regulations (WAC Chapter 173-303).

Potential Human Health and Environmental Risks

The following exposure pathways have been evaluated:

- Direct Contact with Contaminated Soil: Soil with concentrations of COCs exceeding MTCA CULs is limited to Remedial Area 2. This area is currently covered with buildings and/or hardscapes. Contaminated soil in Remedial Area 2 will be remediated to the extent practicable as part of the Cleanup Action. Engineered controls in the form of buildings and hardscapes will be implemented to prevent contact with any residual contaminated soil that may remain in place in Remedial Area 2. Institutional controls in the form of an environmental covenant will be implemented to ensure that the engineered controls are maintained.

- Soil Vapor to Indoor Air: The potential for vapor intrusion into the future buildings will be evaluated after the excavation for redevelopment has been completed. If necessary to prevent vapor intrusion, a soil vapor barrier and/or other engineered controls will be implemented beneath the future residential buildings. Institutional controls in the form of an environmental covenant will be implemented to ensure that the engineered controls are maintained.
- Soil-to-Groundwater Migration: Although contaminated soil is present in Cleanup Area 2 within the interval of the shallow groundwater table, RI groundwater sampling has indicated groundwater at the Site does not appear to be contaminated. This pathway does not present an unacceptable risk and a forthcoming RI addendum will assess whether groundwater conditions demonstrate that the soil to groundwater pathway is complete.
- Soil-to-Surface Water (Runoff): There are no surface water bodies at the Site. Soil with concentrations of COCs exceeding MTCA CULs in Remedial Area 2 and less than MTCA CULs in Remedial Area 1 currently is covered with buildings and/or hardscapes; therefore, the soil-to-surface water (runoff) pathway is incomplete. Erosion and sediment control best management practices (BMPs) will be implemented during the planned cleanup action and improvements such that all stormwater that may come into contact with soil with COCs during the cleanup action and improvements will be captured and, if necessary, treated and discharged under an appropriate permit or disposed of off-property. Remedial Areas 1 and 2 will be completely covered with buildings and/or hardscapes constructed as part of redevelopment of the Property; therefore, the soil to surface water exposure pathway will not be complete after the Cleanup Action is completed.
- Groundwater-to-Surface Water and Sediment: No surface water bodies are present at the Site and it is unlikely that groundwater from the Site contributes to Lake Washington, which is the nearest surface water body. Therefore, the groundwater-to-surface water pathway is incomplete.

Based on investigations conducted at the Property and described in the RI/FS, the presence of COCs at the Site is limited and discontinuous in nature (GeoEngineers 2026b). Planned remedial actions, combined with engineering and institutional controls, will effectively eliminate or minimize potential human health and environmental risks from soil and groundwater contamination at the Site.

Cleanup Standards

MTCA requires the establishment of cleanup standards for individual sites. The two primary components of cleanup standards are CULs and points of compliance. CULs determine the concentration at which a substance does not threaten human health or the environment. All media with concentrations of COCs exceeding a cleanup level is addressed through a cleanup remedy that prevents exposure to the contaminated material. Points of compliance represent the locations on the site where CULs must be met.

Overview

The process for establishing CULs involves the following:

- Determining if methods A, B, or C are applicable
- Developing CULs for individual contaminants in each media
- Determining which contaminants contribute the majority of the overall risk in each media (indicators)
- Adjusting the CULs downward for carcinogenic substances based on total site risk of 1×10^{-5}, and for a hazard index of 1 for non-carcinogenic substances, if necessary

MTCA provides three options for establishing CULs: methods A, B, and C.

- Method A may be used to establish CULs at routine sites or sites with relatively few hazardous substances.
- Method B is the standard method for establishing CULs and may be used to establish CULs at any site.
- Method C is a conditional method used when a CUL under Method A or B is technically impossible to achieve or may cause significantly greater environmental harm. Method C also may be applied to qualifying industrial properties.

Ecology's 2023 Silica Gel Guidance document specifies that for Sites with no detectable petroleum hydrocarbons when run with silica gel cleanup, TPH-D and TPH-O groundwater concentrations measured using the NWTPH-Dx method without SGC may be as high as 700 µg/L.

MTCA defines the factors used to determine whether a substance should be retained as an indicator for the Site. When defining CULs at a site contaminated with several hazardous substances, Ecology may eliminate contaminants contributing a small percentage of the overall threat to human health and the environment. WAC 173-340-703(2) indicates that a substance may be eliminated from further consideration based on:

- The toxicological characteristics of the substance which govern its ability to adversely affect human health or the environment relative to the concentration of the substance
- The chemical and physical characteristics of the substance which govern its tendency to persist in the environment
- The chemical and physical characteristics of the substance which govern its tendency to move into and through the environment
- The natural background concentration of the substance
- The thoroughness of testing for the substance
- The frequency of detection
- The degradation by-products of the substance

Site Use

The evaluation of CULs and ecological exposures depends on the nature of the Site use. Options under MTCA are either an unrestricted property or an industrial property. Industrial properties are defined in WAC 173-340-200; the definition includes properties characterized by

transportation areas and facilities zoned for industrial use. Industrial properties are further described in WAC 173-340-745(1) by the following factors:

- People do not normally live on industrial property
- Access by the general public is generally not allowed
- Food is not grown/raised
- Operations are characterized by chemical use/storage, noise, odors, and truck traffic
- Ground surface is mostly covered by buildings, paved lots and roads, and storage areas
- Presence of support facilities serving the industrial facility employees and not the general public

The Property is zoned for mixed-use development; therefore, MTCA Method A cleanup levels were selected as the applicable cleanup levels for the Site. Method A cleanup levels are unconditional standards established to be protective of unrestricted land use and do not rely on site-specific exposure assumptions or institutional controls.

Terrestrial Ecological Evaluation

WAC 173-340-7490 requires site managers to perform a terrestrial ecological evaluation (TEE) to determine the potential effects of soil contamination on ecological receptors. As part of the RI/FS, a simplified TEE was completed using MTCA Table 749-1. Based upon this evaluation, it was determined that the Site is unlikely to pose risks to terrestrial ecological receptors and therefore, in accordance with Ecology's TEE process, the simplified evaluation was ended. No further consideration of ecological impacts is required under MTCA. The TEE Form completed for the Site is provided in Appendix C.

Site Cleanup Levels

CULs under MTCA may be established under Method A, Method B or Method C. Per WAC 173-340-704(1), MTCA Method A CULs are appropriate for use at sites where:

- Few hazardous substances have been detected;
- The site is undergoing a routine cleanup action; and
- Numerical standards are available for applicable COCs and media of concern.

The Site qualifies for the use of Method A CULs, and the polar metabolite cleanup level for TPH in groundwater. The following CULs have been established for the Site:

Soil:

- TPH-D – 2,000 mg/kg (MTCA Method A)
- TPH-O – 2,000 mg/kg (MTCA Method A)
- Total TPH-D and TPH-O – 2,000 mg/kg (MTCA Method A)
- Lead – 250 mg/kg (MTCA Method A)

Groundwater:

- TPH-D – 700 µg/L (Polar metabolite cleanup level)

- TPH-O – 700 µg/L (Polar metabolite cleanup level)
- Total TPH-D and TPH-O – 700 µg/L (Polar metabolite cleanup level)
- Lead – 15 µg/L (MTCA Method A)

Points of Compliance

MTCA defines the point of compliance as the point or points where CULs shall be attained. Once CULs are met at the point of compliance, the Site is no longer considered a threat to human health or the environment.

WAC 173-340-740(6) gives the point of compliance requirements for soil. The standard point of compliance for soil CULs based on protection of the direct contact pathway is established at a depth of 15 feet. The standard point of compliance for soil CULs based on protection of groundwater is throughout the soil column.

The standard point of compliance for groundwater CULs will be all groundwater beneath the Site from the top of the saturated zone to the lowest depth that could be affected by the Site.

- The point of compliance for soil is defined as all soil at the Site where analytical results for in-situ soil samples have detected concentrations of COCs greater than the MTCA Method A CUL (i.e., the standard point of compliance under MTCA).
- The point of compliance for groundwater is the standard point of compliance defined in MTCA as all groundwater throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest depth which could potentially be affected by COCs at the Site.

Cleanup Action Selection

Remedial Action Objectives

Remedial action objectives describe the actions necessary to protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route. They are developed considering the characteristics of the contaminated media, the characteristics of the hazardous substances present, migration and exposure pathways, and potential receptor points.

The potential exposure pathways for soil and groundwater at the Site include the following:

Soil:

- Direct contact
- Soil vapor to indoor air

Groundwater:

- Direct contact

Given the potential exposure pathways, the following are the remedial action objectives for the Site:

- Prevent direct contact, ingestion, or inhalation of contaminated soil by humans;
- Prevent intrusion of petroleum vapors from soil to indoor air inside future buildings at concentrations that may pose an unacceptable risk for occupants of these buildings; and
- Prevent direct contact or ingestion of contaminated groundwater by humans.

Cleanup Action Alternatives

Cleanup alternatives to meet these remedial action objectives are evaluated as part of the RI/FS. The FS presented technology screening for selection of cleanup alternatives (Table B-1) and evaluated multiple alternatives for addressing all contaminated media at the Site (Table B-2).

Alternative 1: In-Situ Treatment and Engineering/Institutional Controls

Alternative 1 includes the following:

- Treating soil and groundwater contaminated with petroleum-related COCs in Remedial Area 1 and Remedial Area 2 using thermal remediation methods such as steam-enhanced extraction, electrical-resistance heating or thermal-conductive heating. This method involves the injection of energy into the subsurface to mobilize and recover volatile and semi-volatile organic compounds and petroleum hydrocarbons. Thermal treatment technologies would not address soil contaminated with lead.
- Conducting compliance monitoring to evaluate whether soil CULs are met within the treatment area.
- Addressing any residual COC-contaminated soil and groundwater that may remain in place after thermal treatment using the following methods:
    - Engineered controls in the form of planned improvements of the Site, including placement of clean backfill following soil cleanup, and other hardscapes to prevent contact with the residual COC-contaminated soil and groundwater.
    - For residual contaminated soil and groundwater that may remain on the Property, implementation of institutional controls in the form of an environmental covenant recorded against the title for the Property that requires implementation of an Environmental Media Management Plan (EMMP), maintaining hardscapes, and restrictions on the use of groundwater at the Site.
    - Coordination with the City of Seattle regarding the presence of residual COC-contaminated soil and groundwater within the public right-of-way (ROW) and the proposed use of institutional controls in the form of an environmental covenant that govern future utility or infrastructure work in the ROWs.

Alternative 2: Excavation and Off-Site Disposal and Engineering/ Institutional Controls

Alternative 2 includes the following:

- Decommissioning the UST by removal, excavation of soil contaminated with petroleum-related COCSs in Remedial Area 1, and disposal of the product recovered from the UST, the UST, and the excavated soil at a licensed facility. The depth of the excavation in Remedial Area 1 will be determined by the contractor and project engineer during excavation activities; however, it is anticipated that the depth will not exceed approximately 17.5 feet bgs, which is the depth at which an apparent semi-confining clay layer was identified during the RI. The areal extent of the excavation not anticipated to extend north of the UST in the direction of the City ROW based on the results of the RI. However, if remedial excavation is required in this area, the excavation prism for contaminated soil will not extend to beneath the north-adjacent City ROW due to potential for undermining and compromising the structural integrity of the road.
- Excavation to depths of approximately 13.5 feet bgs in Remedial Area 2 to remove accessible COC-contaminated soil and disposal of the excavated soil at a licensed facility. The areal extent of the excavation will not extend to beneath the east-adjacent City ROW due to potential for undermining and compromising the structural integrity of the road. Therefore, we anticipate that some residual contaminated soil may remain in place beneath the road.
- Addressing potential COC-contaminated groundwater by removing the apparent source, which is COC-impacted soil.
- Conducting compliance monitoring to evaluate whether soil CULs are met at the limits of the excavation.
- Addressing residual COC-contaminated soil and groundwater that may remain in place after removal using the following methods:
    - Applying a treatment chemical, such as PetroFix™ by Regenesis to the base of the excavation. It is expected that groundwater will come into contact with treatment chemical during seasonal high groundwater and degrade and entrain residual petroleum in groundwater. This method would be effective for treatment of both residual soil and groundwater contamination following excavation.
    - Engineered controls including placement of clean backfill following soil cleanup, planned buildings, and other hardscapes to prevent contact with the residual COC-contaminated soil and groundwater.
    - For residual contaminated soil and groundwater that may remain on the Property, implementation of institutional controls in the form of an environmental covenant recorded against the title for the Property that requires implementation of an EMMP, maintaining hardscapes, and restrictions on the use of groundwater at the Site.
    - Coordination with the City of Seattle regarding the presence of residual COC-contaminated soil and groundwater within the public ROW and the proposed

use of institutional controls in the form of an environmental covenant that govern future utility or infrastructure work in the ROWs.

Regulatory Requirements

MTCA sets forth the minimum requirements and procedures for selecting a cleanup action. A cleanup action must meet each of the minimum requirements specified in WAC 173-340-360(3).

General Requirements

WAC 173-340-360(3)(a) sets forth the following general requirements for the cleanup action:

- Protect human health and the environment, including likely vulnerable populations and overburdened communities
- Comply with cleanup standards (see pages 14 through 17)
- Comply with applicable state and federal laws (see pages 23 and 24)
- Prevent or minimize present and future releases and migration of hazardous substances
- Provide resilience to climate change impacts that have a high likelihood of occurring and severely compromising its long-term effectiveness
- Provide for compliance monitoring
- Not rely primarily on institutional controls and monitoring if it's technically possible to implement a more permanent cleanup action
- Not rely primarily on dilution and dispersion over active remediation, unless the incremental costs grossly exceed the incremental benefits
- Provide for a reasonable restoration time frame
- Use permanent solutions to the maximum extent practicable

Action-specific Requirements

WAC 173-340-360(3)(b) includes the following requirements that apply to the Site. The Site must:

- Use institutional controls (WAC 173-340-440)
- Provide financial assurances (WAC 173-340-440(11))
- Provide for periodic reviews (WAC 173-340-420(2))

Media-specific Requirements

WAC 173-340-360(3)(c) includes the following requirement that applies to the Site. A soil cleanup action must treat, remove, or contain contamination on properties that qualify as a residential area based on current use or potential future use based on local plans.

Determination of Reasonable Restoration Time Frame

An evaluation of whether a cleanup action alternative provides a reasonable restoration time frame must be conducted unless a model remedy is selected as the cleanup action. WAC 173-

340-360(4) provides evaluation factors to determine whether a cleanup action has a reasonable restoration time frame.

- Potential risks posed by the site to human health and the environment, including likely vulnerable populations and overburdened communities.
- Practicability of achieving a shorter restoration time frame. A restoration time frame is not reasonable if an active remedial measure with a shorter restoration time frame is practicable.
- Long-term effectiveness of the alternative. A longer restoration time frame may be reasonable if the alternative has a greater degree of long-term effectiveness than one that primarily relies on on-site or off-site disposal, isolation, or containment.
- Current and potential future use of the site, surrounding areas, and associated resources that are, or may be, affected by releases from the site.
- Availability of alternative water supplies.
- Likely effectiveness and reliability of institutional controls.
- Ability to control and monitor migration of hazardous substances from the site.
- Toxicity of the hazardous substances at the site.
- Natural processes that reduce concentrations of hazardous substances and have been documented to occur at the site or under similar site conditions.
- For Ecology-led and Ecology-supervised cleanup actions, public concerns identified under WAC 173-340-600 (13) and (14) and Indian Tribes' rights and interests.

Determining Permanent to the Maximum Extent Practicable

WAC 173-340-360(5) describes the requirements and procedures for determining whether a cleanup action uses permanent solutions to the maximum extent practicable (PMEP). A permanent solution meets CULs without further action being required at the site other than the disposal of residue from treating hazardous substances.

To determine whether a cleanup action uses PMEP, a disproportionate cost analysis is conducted. This analysis compares the costs and benefits of the cleanup action alternatives and involves considering several factors, including:

- Protectiveness
- Permanence
- Long-term effectiveness
- Management of implementation risk
- Implementability
- Cost

The comparison of benefits and costs may be quantitative but will often be qualitative and require the use of best professional judgment.

The procedure to perform the PMEP analysis involves comparing the most permanent alternative to the next most permanent and determining if the costs outweigh the benefits in that pair. If they do, the less permanent alternative is compared to the next most permanent

alternative and compared again. This continues until the costs do not outweigh the benefits. This evaluation can be done quantitatively/graphically or can be done qualitatively.

Cleanup Action Expectations

WAC 173-340-370 sets forth the following expectations for developing cleanup action alternatives and selecting cleanup actions. These expectations represent the types of cleanup actions Ecology considers likely results of the remedy selection process; however, we recognize there may be some sites where cleanup actions conforming to these expectations are not appropriate.

- Treatment technologies will be emphasized at sites with liquid wastes, areas with high concentrations of hazardous substances, or with highly mobile and/or highly treatable contaminants
- To minimize the need for long-term management of contaminated materials, hazardous substances will be destroyed, detoxified, and/or removed to concentrations below CULs throughout sites with small volumes of hazardous substances
- Engineering controls, such as containment, may need to be used at sites with large volumes of materials with relatively low levels of hazardous substances where treatment is impracticable
- To minimize the potential for migration of hazardous substances, active measures will be taken to prevent precipitation and runoff from contacting contaminated soil or waste materials
- When hazardous substances remain on-site at concentrations that exceed CULs, they will be consolidated to the maximum extent practicable to minimize the potential for direct contact and migration of hazardous substances
- For sites adjacent to surface water, active measures will be taken to prevent/minimize releases to that water; dilution will not be the sole method for demonstrating compliance
- Natural attenuation of hazardous substances may be appropriate at sites under certain specified conditions (see WAC 173-340-370(7))
- Cleanup actions will not result in a significantly greater overall threat to human health and the environment than other alternatives

Applicable, Relevant, and Appropriate State and Federal Laws, and Local Requirements

WAC 173-340-710(1) requires all cleanup actions to comply with all applicable local, state, and federal law. It further states the term "applicable state and federal laws" shall include legally applicable requirements and requirements the department determines "...are relevant and appropriate requirements" (ARARs). This section discusses applicable state and federal law, ARARs, and local permitting requirements that were considered and were of primary importance in selecting cleanup requirements. If other requirements are identified later, they will be applied to the cleanup actions.

MTCA provides an exemption from the procedural requirements of several state laws and from any laws authorizing local government permits or approvals for remedial actions conducted under a consent decree, order, or agreed order (RCW 70A.305.090). However, the substantive requirements of a required permit must be met. The procedural requirements of the following state laws are exempted:

- Ch. 70A.15 RCW, Washington Clean Air Act
- Ch. 70A.205 RCW, Solid Waste Management—Reduction and Recycling
- Ch. 70A.300 RCW, Hazardous Waste Management
- Ch. 77.55 RCW, Construction Projects in State Waters
- Ch. 90.48 RCW, Water Pollution Control
- Ch. 90.58 RCW, Shoreline Management Act of 1971
- Any laws requiring or authorizing local government permits or approvals for the remedial action

WAC 173-340-710(4) sets forth the criteria Ecology evaluates when determining whether certain requirements are relevant and appropriate for a cleanup action. ARARs for the cleanup alternatives at this Site are discussed in the next section. Local laws, which may be more stringent than state and federal laws, will govern where applicable.

Evaluation of Cleanup Action Alternatives

The requirements and criteria outlined in the Regulatory Requirements section on pages 23 and 24 are used to conduct a comparative evaluation of the cleanup action alternatives and to select a cleanup action from those alternatives. Table B-2 provides a summary of the ranking of the cleanup alternatives against the various criteria.

Regulatory Requirements

General Requirements

Cleanup Alternatives 1 and 2 are designed to meet the general cleanup action requirements of WAC 173-340-360(3)(a). These alternatives are protective of human health and the environment, including likely vulnerable populations and overburdened communities, by actively reducing contaminant mass and exposure pathways through either in-place remediation or physical removal. Both alternatives are structured to comply with cleanup standards specified elsewhere in this document (see page 14) and all applicable state and federal laws (see pages 23 and 24), helping to ensure both immediate and long-term protectiveness. The selected approaches prevent or minimize the potential for present or future releases and migration of hazardous substances by utilizing permanent treatment and removal strategies, rather than relying primarily on institutional controls or monitoring.

To further support long-term effectiveness and resilience, each alternative incorporates engineered and institutional controls to remain protective in the face of climate change impacts, such as increased precipitation or groundwater fluctuations. Comprehensive compliance monitoring will be implemented to verify that cleanup levels are achieved and maintained throughout the remedial action and into the long-term stewardship phase.

Institutional controls and long-term monitoring are only used where complete removal or treatment of contamination is not technically practicable, specifically, where contamination remains beneath existing structures or site features. Neither alternative relies primarily on dilution or dispersion, and active remediation is implemented to the maximum extent practicable. The selected remedies provide for a reasonable restoration time frame and are consistent with the MTCA requirement for using permanent solutions to the maximum extent practicable.

Climate change impacts were estimated using the Climate Mapping for a Resilient Washington webtool,[4] funded by the State of Washington and developed by the University of Washington. The webtool generally predicts increases in temperature and precipitation. These will increase the chance for erosion, flooding events, and wildfire likelihood.

As discussed in the RI/FS, based on a review of information in the GIS Mapping Tool, it is unlikely that conditions at the Site would be impacted by climate change, therefore, the cleanup strategy for the Site will not be impaired by climate change (GeoEngineers 2026b).

There are three types of compliance monitoring: protection, performance, and confirmational. Protection monitoring is designed to protect human health and the environment during the construction and operation and maintenance phases of the cleanup action. Performance monitoring confirms the cleanup action has met cleanup and/or performance standards. Confirmational monitoring confirms the long-term effectiveness of the cleanup action once cleanup standards have been met or other performance standards have been attained.

Three types of compliance monitoring will be implemented during remedial actions in accordance with MTCA requirements (WAC 173-340-410):

Protection Monitoring: Conducted to ensure that human health and the environment are adequately protected throughout implementation of the interim action, as outlined in the site-specific Health and Safety Plan (HASP). The HASP complies with federal (29 CFR 1910.120 and 1926) and state (WAC 173-340-810 and WAC 296-62) regulations, identifying relevant physical, chemical, and biological hazards, and specifying monitoring protocols and controls. All personnel engaged in soil disturbance will have appropriate hazardous waste operations training.

Performance Monitoring: Conducted to verify that remedial actions meet applicable screening levels or other performance standards and demonstrate compliance with substantive regulatory requirements. Performance monitoring includes the collection and laboratory analysis of in-situ soil samples from excavation areas to determine whether contaminant concentrations exceed screening levels. These results inform decisions regarding excavation limits.

Confirmational Monitoring: Confirmational monitoring consists of collecting and analyzing in-situ soil samples from the base and sidewalls of the final excavation to verify attainment of

[4] https://cig.uw.edu/resources/analysis-tools/climate-mapping-for-a-resilient-washington/

cleanup goals; performance monitoring locations may also be used for confirmation if results indicate compliance at excavation boundaries.

The scope of work for projection, performance, and confirmational monitoring will be presented in a separate work plan approved by Ecology.

Action-specific Requirements

Cleanup Alternative 1 will comply with MTCA action-specific requirements by obtaining necessary air and water permits for thermal remediation, and managing treatment byproducts according to Dangerous Waste Regulations. Engineered controls in the form of placement of clean backfill following soil cleanup, the planned buildings, and site paving will be implemented and maintained to prevent exposure, and a recorded environmental covenant will restrict groundwater use and require adherence to the EMMP. Periodic inspections and reporting will ensure ongoing compliance with all action-specific requirements.

Cleanup Alternative 2 will meet action-specific requirements by conducting excavation and soil disposal in compliance with Dangerous Waste Regulations and municipal permits, following state protocols for UST removal, and acquiring discharge permits as needed. If necessary, treatment chemicals will be applied according to Ecology standards. Engineered controls will be implemented and maintained as necessary to limit exposure, and institutional controls will be implemented via an environmental covenant restricting groundwater use and requiring compliance with the EMMP. Inspection and reporting will ensure all requirements are consistently addressed.

Media-specific Requirements

Cleanup Alternative 1 meets MTCA media-specific requirements for soil and groundwater by targeting COC-contaminated media through in-situ thermal remediation. This treatment is designed to reduce concentrations of petroleum-related COCs including petroleum hydrocarbons and volatile and semi-volatile organic compounds in soil and groundwater to concentrations below applicable MTCA cleanup levels. Thermal treatment will not address lead-contaminated soil. Engineered controls, including planned building and site hardscapes, will prevent exposure to residual soil and groundwater contamination, while institutional controls will enforce use restrictions and contingency planning to protect human health and the environment. All remedial actions will be evaluated against MTCA media-specific cleanup levels, with regular monitoring to ensure that concentrations remain protective.

Cleanup Alternative 2 satisfies MTCA media-specific requirements by excavating and disposing of accessible COC-contaminated soil at a permitted facility, followed by placement of clean backfill, thereby directly removing impacted media and reducing contaminant concentrations to meet soil cleanup standards. Due to structural constraints, some residual contamination may remain in inaccessible soil and groundwater; this will be managed through in-situ treatment (application of PetroFix™ or similar reagent). Treatment will be carried out under protocols established by Ecology to demonstrate compliance with relevant media-specific cleanup levels for soil and groundwater. Engineered controls, including planned site improvements, will limit potential exposure, and institutional controls will ensure groundwater restrictions and

contingency planning are maintained. Routine monitoring and reporting will confirm ongoing compliance with MTCA media-specific requirements for all affected media.

Public Concerns and Tribal Rights and Interests

To understand Tribal and public concerns, Ecology presented the RI/FS and CAP for review and comment.

Vulnerable Populations and Overburdened Communities

Consistent with WAC 173-340-380(5)(c), potential impacts to vulnerable populations and overburdened communities (VP/OC) were considered during evaluation of cleanup alternatives. Both cleanup alternatives were evaluated for potential for short-term and long-term impacts to nearby communities, including exposure to contaminated media, construction-related noise, dust, truck traffic, and disruption associated with implementation. Both cleanup alternatives were identified as protective of human health and the environment and are expected to minimize adverse impacts to nearby VP/OCs by reducing potential exposure pathways and limiting construction-related effects to the extent practicable through implementation of appropriate measures.

Determination of Reasonable Restoration Time Frame

WAC 173-340-360(4) describes the requirements and procedures for determining whether a cleanup action provides for a reasonable restoration time frame, as required under subsection (3)(a)(ix). The factors used to determine whether a cleanup action provides a reasonable restoration time frame are in WAC 173-340-360(4)(c).

Both cleanup alternatives will meet the requirements for cleanup actions under MTCA within approximately 1 year following the start of improvement activities (specifically, the estimated time for mass excavation, and environmental covenant filing), constituting a reasonable timeframe for restoration. MNA of COCs in groundwater may be conducted if warranted based on completion of the remaining RI groundwater monitoring, the results of which will be presented in a forthcoming RI addendum. The RI addendum will assess whether groundwater conditions empirically demonstrate that the soil-groundwater pathway is not complete. If required, MNA of COCs would be conducted quarterly during the initial year post-improvement, followed by semiannual groundwater monitoring for a period of 3 to 5 years.

Determining Permanent to the Maximum Extent Practicable

WAC 173-340-360(5) describes the procedure for determining PMEP, as required under subsection (3)(a)(x).

To determine whether a cleanup action uses PMEP, the disproportionate cost analysis specified in the regulation is used. The analysis compares the costs and benefits of the cleanup action alternatives and involves the consideration of several factors. The comparison of costs and benefits may be quantitative but will often be qualitative and require the use of best professional judgment.

Protectiveness

Protectiveness measures the degree to which existing risks are reduced, time required to reduce risk and attain cleanup standards, on- and off-site risks resulting from implementing the alternative, and improvement of overall environmental quality.

The cleanup action ensures protection of human health and the environment by addressing all relevant exposure pathways, including direct contact with soil containing COCs, soil to surface water, soil leaching to groundwater, and groundwater-to-surface water transport. The risk of exposure through direct contact is mitigated by removing contaminated soil to the extent practicable, minimizing the potential for construction workers or others to come into contact with COC-impacted soil or groundwater. Application of BMPs in accordance with a project-specific temporary erosion and sediment control plan will prevent movement of contaminated soil into surface water during remediation. The soil-to-groundwater exposure pathway is not considered a risk based on the results of the RI. The groundwater-to-surface water pathway will be managed through cleanup and monitoring to ensure continued protection.

Permanence

Permanence evaluates the degree to which the alternative reduces the toxicity, mobility, or mass of hazardous substances, including the adequacy of the alternative in destroying the hazardous substance(s), the reduction or elimination of releases or sources of releases, the degree of irreversibility of any treatment process, and the characteristics and quantity of any treatment residuals.

Alternative 1 will reduce the mass of soil and groundwater contaminated with petroleum-related COCs by permanently destroying these COCs within Cleanup Areas 1 and 2 to the extent practicable. Alternative 1 will not reduce toxicity, mobility, or mass of lead-contaminated soil in Cleanup Area 2. Some residual petroleum-contaminated soil and/or groundwater may remain in Cleanup Areas 1 and 2 and all lead-contaminated soil will remain in Cleanup Area 2.

Cleanup Alternative 2 is the more permanent of the cleanup alternatives evaluated. Cleanup Alternative 2 will permanently remove soil and groundwater contaminated with petroleum-related COCs from Cleanup Areas 1 and 2 and lead-contaminated soil from Cleanup Area 2 to the extent practicable. Some residual petroleum-contaminated soil and/or groundwater may remain in Cleanup Areas 1 and 2 and some lead-contaminated soil may remain in Cleanup Area 2.

Long-term Effectiveness

Long-term effectiveness measures the degree to which the alternative is likely to be effective over the long term, including for likely vulnerable populations and overburdened communities. It considers the degree of certainty, the reliability of the alternative during the period that hazardous substances will remain above cleanup levels, the resilience of the alternative to climate change impacts, the magnitude of residual risk after implementation, and the effectiveness of controls required to manage remaining wastes.

Alternative 1 achieves long-term effectiveness by significantly reducing the mass of petroleum-related COCs in soil and groundwater through in-situ thermal treatment. Potential exposure to

the residual petroleum-contaminated soil and/or groundwater and the lead-contaminated soil in Cleanup Area 2 will be managed by engineered controls, such as hardscape improvements, and by institutional controls, including an environmental covenant restricting groundwater use.

Alternative 2 also achieves long-term effectiveness by significantly reducing the mass of petroleum-related COCs in soil and groundwater through in-situ thermal treatment and relies on engineered/and institutional controls to manage potential exposure to the residual petroleum-contaminated soil and/or groundwater. However, Alternative 2 is considered to have greater long-term effectiveness than Alternative 1 because it utilizes PetroFix (or a similar compound) to promote further degradation of residual petroleum-related COCs and eliminates or reduces the mass of lead-contaminated soil in Cleanup Area 2.

Management of Implementation Risk

Short-term risk measures the risks related to an alternative during construction and implementation, including likely vulnerable populations and overburdened communities, and the effectiveness of measures that will be taken to manage such risks.

Implementation of Alternative 1 poses a relatively high short-term risk from the construction and operation of an in-situ thermal treatment system that applies heat and/or electrical energy to the subsurface. Controls would need to be implemented to limit the risk posed by the added heat and/or energy. Given the proximity of the Site to ROWs, thermal treatment of in-situ soil may potentially damage existing utilities located beneath the adjacent right-of-way.

Implementation of Alternative 2 poses a relatively low short-term risk. Alternative 2 utilizes routine excavation methods and does not require implementation of safety measures significantly more complex than those utilized for typical redevelopment projects, such as establishing exclusion zones, installing protective fencing, and controlling access to the Site.

Technical and Administrative Implementability

Implementability considers whether the alternative is technically possible; the availability of necessary off-site facilities, services, and materials; administrative and regulatory requirements; scheduling; size; complexity; monitoring requirements; access for operations and monitoring; and integrations with existing facility operations.

Alternative 1 demonstrates technical implementability by using established in-situ thermal remediation methods capable of mobilizing and removing volatile and semi-volatile organic compounds and petroleum hydrocarbons in soil and groundwater. Implementation requires specialized equipment, site-specific design, and coordination for subsurface energy delivery and recovery. Engineered controls, such as hardscape improvements, are readily constructed and maintained to prevent exposure, and institutional controls are administratively straightforward, involving recording an environmental covenant and ensuring compliance with the EMMP. Overall, Alternative 1 is technically and administratively implementable, although it relies on sustained operation, monitoring, and maintenance of controls over time to achieve ongoing compliance with MTCA requirements.

Alternative 2 demonstrates high technical implementability through standard excavation and off-site disposal practices, allowing direct removal of contaminated soil and accessible USTs.

These activities utilize conventional construction methods and established protocols for waste profiling, transportation, and disposal at licensed facilities. Partial UST removal and in-situ application of treatment chemicals, such as PetroFix™, may prompt additional coordination, but are also commonly implemented in remediation projects. Residual contamination is managed through MNA and exposure barriers created by site improvements. Administrative implementability is achieved by recording an environmental covenant and requiring adherence to the EMMP and groundwater use restrictions, consistent with MTCA requirements. Compared to Alternative 1, Alternative 2 is generally less complex to implement from both technical and administrative perspectives, due to reliance on standard construction practices and waste management procedures with less dependence on long-term engineered and institutional controls.

Cost

An evaluation of cleanup costs must include both construction and post-construction costs, including for the design life and in the future. Cleanup costs are estimated based on design assumptions for each alternative. Although the costs are estimates based on design assumptions that might change, the relative costs can be used for this evaluation. For a detailed description of the costs involved with each alternative, please refer to the FS.

Excavation and off-site disposal of contaminated soil has been identified as the more cost-effective remedial alternative for the Site, as it provides a permanent solution that minimizes the need for future remediation or ongoing maintenance. While application of chemical treatment and establishment of an environmental covenant with long-term monitoring represent additional costs, these measures are necessary for comprehensive risk management and ongoing compliance. The selected remedy balances up-front and long-term costs, offering a reliable and pragmatic approach to protectiveness and long-term site stewardship.

PMEP Evaluation and Results

Costs are disproportionate to the benefits if the incremental costs of an alternative are disproportionate to the incremental benefits of that alternative.

Alternative 1 requires specialized thermal remediation systems with substantial up-front capital costs and ongoing operational expenses. Although this approach achieves a notable reduction in contaminant mass and manages residual risk through long-term monitoring and controls, its incremental cost may not be justified by the level of improvement in protectiveness compared to other options, especially given ongoing dependency on institutional and engineered controls.

Alternative 2 relies on standard construction methods, removal and disposal of accessible contaminated soil, and limited use of in-situ chemical treatment. This results in lower technical complexity and fewer long-term management costs. While capital costs are significant, the approach produces direct and permanent source reduction, minimizes reliance on future monitoring and controls, and therefore presents more favorable cost-to-benefit ratios. Under MTCA, the incremental costs associated with Alternative 2 are not considered disproportionate in relation to its enhanced long-term effectiveness and permanence.

In conclusion, Alternative 2 offers a more proportionate balance between costs and benefits than Alternative 1, supporting MTCA's requirement that cost is not disproportionate to the overall protectiveness achieved.

Groundwater Cleanup Requirements

Cleanup actions that address groundwater must meet the requirements described in WAC 173-340-360(3)(c).

COCs (TPH) were detected at concentrations greater than MTCA cleanup levels in groundwater samples collected from temporary well points placed in borings completed at the Site in 2019. However, COCs were not detected at concentrations greater than MTCA cleanup levels in groundwater samples collected from monitoring wells installed at the Site during four quarters of RI groundwater sampling. Groundwater samples collected from monitoring wells are considered more representative of groundwater conditions than grab samples from open boreholes, and therefore the results of the RI indicate groundwater at the Site is not contaminated. The alternatives below are protective of groundwater and are presented as a conservative approach due to the results of the 2019 grab groundwater sampling.

Alternative 1 is expected to meet MTCA groundwater cleanup requirements by reducing contaminant concentrations through in-situ thermal treatment. Residual contamination is managed with engineered and institutional controls that restrict exposure and groundwater use. Achieving groundwater CULs may require extended timeframes, and effectiveness depends on ongoing monitoring and maintenance.

Alternative 2 is anticipated to more reliably meet MTCA groundwater cleanup requirements by removing contaminated soil, actively treating residual impacts with a chemical reagent, and then applying MNA. Engineered and institutional controls supplement protectiveness. This alternative is expected to achieve groundwater standards more efficiently, with lower reliance on long-term controls.

Cleanup Action Expectations

Cleanup action expectations are outlined in WAC 173-340-370 and are described in the previous section. The alternatives would address applicable expectations in the following manner:

Alternative 1 meets MTCA cleanup action expectations as follows:

- Reduces contaminant mass and toxicity: Uses in-situ thermal remediation to mobilize and recover petroleum-related COCs in subsurface soil and groundwater, thereby reducing both the mass and toxicity of hazardous substances present.
- Addresses risk to human health and the environment: Combines treatment, exposure barriers (engineered controls), and legal restrictions (institutional controls) to mitigate potential contact and environmental risks.
- Implements reliable long-term controls: Engineered site improvements and institutional controls through an environmental covenant ensure persistent protectiveness, addressing residual contaminants that remain after treatment.

- Restricts exposure pathways: Institutional controls restrict groundwater use at the Site, limiting migration pathways and potential future exposure in accordance with MTCA requirements.
- Provides for contingency planning: Ensures implementation of an EMMP to manage unexpected exposure or contaminant discovery during construction or future site activities.
- Meets applicable standards: Designed to achieve MTCA cleanup levels for soil and groundwater, or manage risk where residual contamination persists.

Alternative 2 meets MTCA cleanup action expectations as follows:

- Permanent source removal: Physically removes and disposes of accessible contaminated soil at a licensed facility, achieving permanent reduction of risk at the Site.
- Reduces contaminant mass and toxicity: Removes both primary sources of contamination and, to the extent practicable, abandoned USTs, further reducing site risk.
- Treats residual impacts: Applies treatment chemicals (e.g., PetroFix™) to the base of excavation to actively treat residual soil contamination.
- Implements reliable long-term controls: Uses engineered site improvements and institutional controls to prevent exposure to any residual contamination left in inaccessible areas.
- Restricts exposure pathways: Applies institutional controls to limit groundwater use and restrict access, aligning with MTCA requirements for exposure pathway management.
- Provides for contingency planning: Requires implementation of an Environmental Construction Contingency Plan (ECCP) for management of unforeseen site conditions or contamination.
- Meets applicable standards: Designed to meet or exceed MTCA cleanup levels for soil and groundwater, ensuring protectiveness over time.

These lists demonstrate that both alternatives meet MTCA cleanup action expectations through source reduction, exposure pathway management, reliable long-term controls, contingency planning, and compliance with applicable standards. Alternative 2 emphasizes greater permanence through physical removal and treatment, while Alternative 1 relies more on ongoing controls and monitoring.

ARARs

All alternatives would comply with applicable state and federal laws listed in Section 6.1 of the RI/FS in Appendix B. Local laws, which can be more stringent, will govern actions when applicable.

Decision

Based on the analysis above, Ecology selected Alternative #2 as the proposed remedial action for the Site.

Alternative 2—Excavation and Off-Site Disposal with Engineering and Institutional Controls is identified as the preferred cleanup alternative for the following reasons:

- Alternative 2 provides an effective and permanent remedy by removing accessible COC-impacted soil and addressing contaminated groundwater.
- Limiting excavation to accessible areas and implementing targeted engineering and institutional controls will prevent exposure to residual contamination and preserve adjacent open space, vegetation, and public amenities to the maximum extent practicable.
- The technologies and approaches included in Alternative 2 have been successfully implemented at comparable sites, are technically feasible within the planned redevelopment framework, and will result in a substantial reduction of contaminant mass at the Site.
- Implementation of Alternative 2 is not expected to result in significant short-term risks beyond those typically associated with construction activities in an urban setting, and such risks can be effectively managed through standard health and safety and construction management practices.

Selected Cleanup Action

Soil Cleanup: Excavation and Off-site Disposal

The selected remedy for addressing soil contamination includes mass excavation to remove soil containing COCs at concentrations exceeding the applicable MTCA Project Cleanup Levels (PCULs) to the extent practicable followed by placement of clean imported backfill.

Four areas of concern (AOCs) have been identified at the Property.

- AOC 1 (Remedial Area 1) – This includes part of the northern portion of the Property where a UST is present and soil is impacted with diesel- and oil-range total petroleum hydrocarbons (TPH-D), oil-range total petroleum hydrocarbons (TPH-O), polycyclic aromatic hydrocarbons (PAHs) and/or benzene, toluene, ethylbenzene, and xylenes (BTEX) constituents at concentrations greater or less than MTCA CULs.
- AOC 2 (Remedial Area 2) – This includes part of the northeastern portion of the Property where TPH-D and TPH-O contaminated soil is collocated with soil containing lead at concentrations exceeding MTCA CULs.
- AOC 3 – This includes the central portion of the Property where soil is impacted with cVOCs including but not limited to PCE at concentrations less than MTCA CULs.
- AOC 4 – This includes the northeastern portion of the Property where soil is impacted with cVOCs at concentrations less than MTCA CULs. AOC 4 overlaps remedial areas AOC 1 and AOC 2. The results of groundwater monitoring performed at the Site preliminarily demonstrate that shallow groundwater in AOC 4 is not impacted with cVOCs and/or petroleum-related contaminants. This preliminary conclusion will be further informed by the results of additional groundwater monitoring, which will be presented in a forthcoming addendum to the RIFS Report.

The approximate excavation extents for Remedial Areas 1 and 2 are shown in Figure A-3 and A-4. Soil management in AOC 3 and AOC 4 is not described/required under this cleanup action plan because COCs have not been identified at concentrations greater than MTCA cleanup levels in those areas.

Where practicable, the excavations will be completed without shoring using a slope of approximately 1.5 horizontal to 1 vertical (1.5H:1V). If these slopes are not achievable, then the excavations will be completed using shoring designed by the excavation contractor and approved by a Professional Engineer registered in Washington State.

Groundwater and stormwater encountered in the excavation cavity will be removed as necessary to complete the excavation using a sump pump and/or vacuum truck. The recovered water will be recycled by a licensed contractor or disposed of to the public sewer system in accordance with an appropriate permit issued under the King County Industrial Waste program.

Excavated soils with COC concentrations greater than PCULs will be transported off site and disposed of at a permitted facility in accordance with applicable local, state, and federal regulations.

Performance monitoring will be conducted to inform the excavation extents and confirmational monitoring will be conducted at the final excavation extents in accordance with the Compliance Monitoring Plan.

If residual soil with concentrations of petroleum-related COCs greater than PCULs is present at the final excavation extents based on the results of confirmational monitoring, then a chemical treatment (e.g., PetroFix™ or an Ecology-approved alternative) will be applied to the base of the excavations. Temporary BMPs, consistent with a site-specific Erosion and Sediment Control Plan, will be implemented during all construction and excavation activities to minimize the potential for migration of contaminated soil to stormwater and to ensure protection of human health and the environment during remedial activities.

Groundwater Cleanup: Treatment and Long-term Monitoring

Groundwater at the Site does not appear to be contaminated based on the results of four quarters of RI groundwater sampling. Supplemental groundwater assessment requested by Ecology is on-going. The results of that sampling will be presented in an RI addendum, which will assess whether groundwater conditions empirically demonstrate that the soil to groundwater pathway is not complete. The selected remedy for groundwater potentially contaminated with petroleum-related COCs includes removal of the apparent source (i.e., soil contaminated with petroleum-related COCs) and will be protective of groundwater via source removal. If residual groundwater with concentrations of petroleum-related COCs greater than PCULs is present in the final excavation cavity based on the results of compliance sampling, then a chemical treatment (e.g., PetroFix™ or an Ecology-approved alternative) will be applied to the base of the excavation.

Institutional Controls

Institutional controls are measures taken to limit or prohibit activities that may interfere with the integrity of a cleanup action or result in exposure to hazardous substances at the Site. These measures are required to assure the continued protection of human health and the environment and the integrity of the cleanup action when hazardous substances remain at the Site at concentrations exceeding applicable CULs. Institutional controls can include physical measures and legal and administrative mechanisms. WAC 173-340-440 provides information on institutional controls and the conditions under which they may be removed.

To ensure long-term protection of human health and the environment, institutional controls will be implemented at the Site in the form of an environmental covenant, consistent with WAC 173-340-440 if soil and/or groundwater with concentration of COCs greater than PCULs remains in place at the Site after completion of the excavation activities. The environmental covenant will be recorded with the property deed and will require implementation of an EMMP for any future intrusive work in areas where contamination remains in place. The covenant will also restrict the use of groundwater beneath the Site and ensure the safe management of any residual contamination that may remain following remedial activities. The EMMP will establish appropriate procedures and interim controls, such as work zone restrictions, dust suppression, and access controls, to mitigate exposure risks to construction workers and site users during maintenance or utility-related activities. The environmental covenant will be developed and submitted for recording within one year of completion of remedial excavation, and prior to occupancy of the Site.

Financial Assurances

WAC 173-340-440 states that financial assurance mechanisms shall be required at sites where the selected cleanup action includes engineered and/or institutional controls.

In accordance with MTCA requirements, financial assurance mechanisms will be established to ensure adequate resources are available for the long-term implementation and maintenance of institutional controls. Financial assurance is necessary to support ongoing groundwater monitoring, periodic review, and maintenance of institutional controls, as well as to provide for the implementation of any contingency actions that may be required to ensure the continued protectiveness of the cleanup action. The specific form and amount of financial assurance will be determined in consultation with Ecology and specified in the applicable legal agreement or enforcement order.

Periodic Review

Until CULs are met, WAC 173-340-420 states, at sites where a cleanup action requires an institutional control, a periodic review shall be completed no less frequently than every five years after the initiation of a cleanup action.

Consistent with MTCA requirements (WAC 173-340-420), periodic reviews will be conducted at the Site because contamination exceeding cleanup levels for unrestricted use will remain in

place, and institutional controls are required as part of the selected remedy. The purpose of these reviews is to determine whether the cleanup action continues to be protective of human health and the environment. Periodic reviews will be conducted at a minimum of every five years following the implementation of the cleanup action, or as otherwise directed by Ecology. The results of these reviews will be documented and submitted to Ecology in accordance with MTCA guidance.

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Appendix A. Figures



Source(s):
- ESRI

Coordinate System: NAD 1983 UTM Zone 10N

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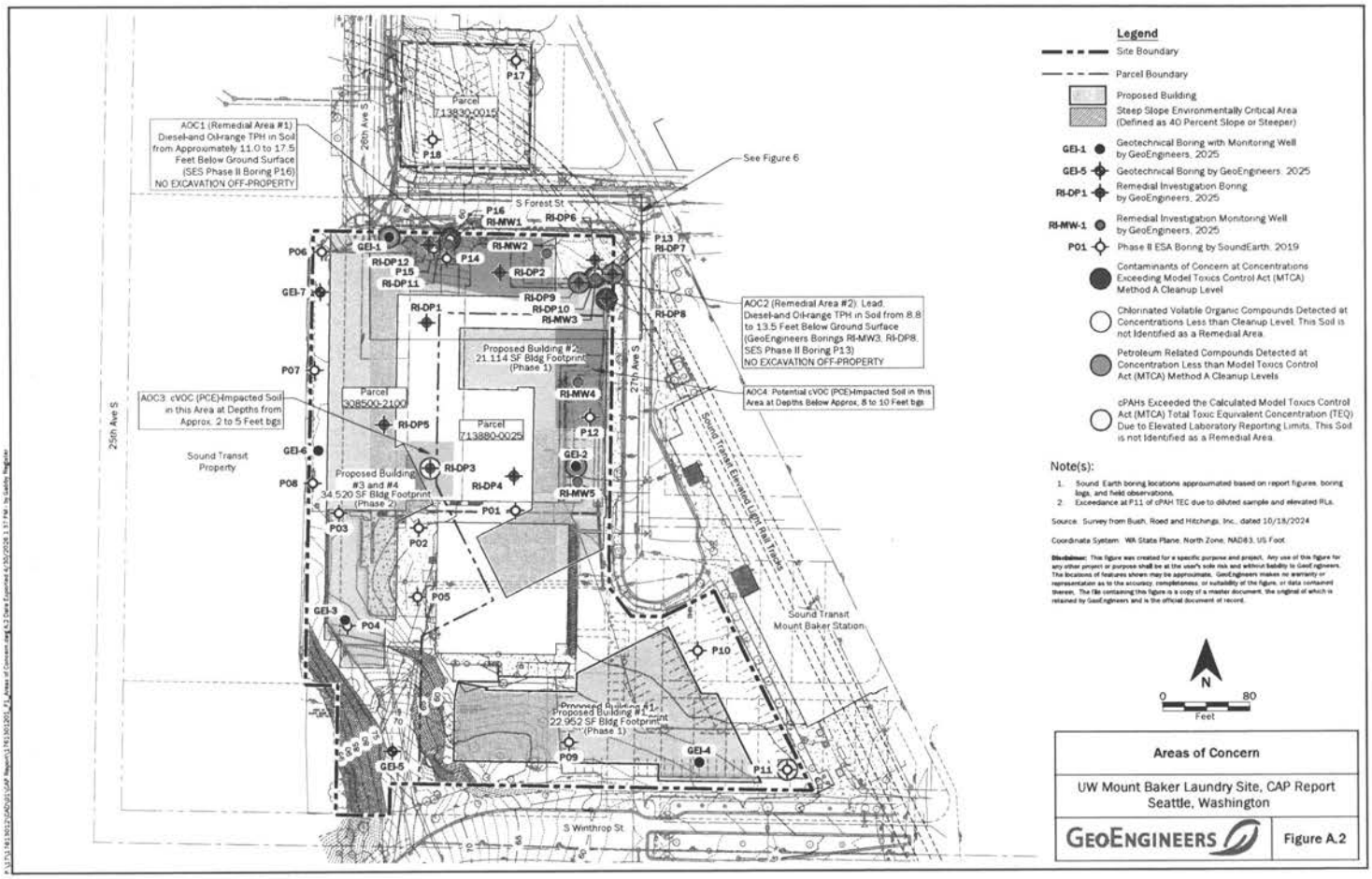
Vicinity Map

UW Mount Baker Laundry Site, CAP Report
Seattle, Washington

GeoEngineers

Figure A.1

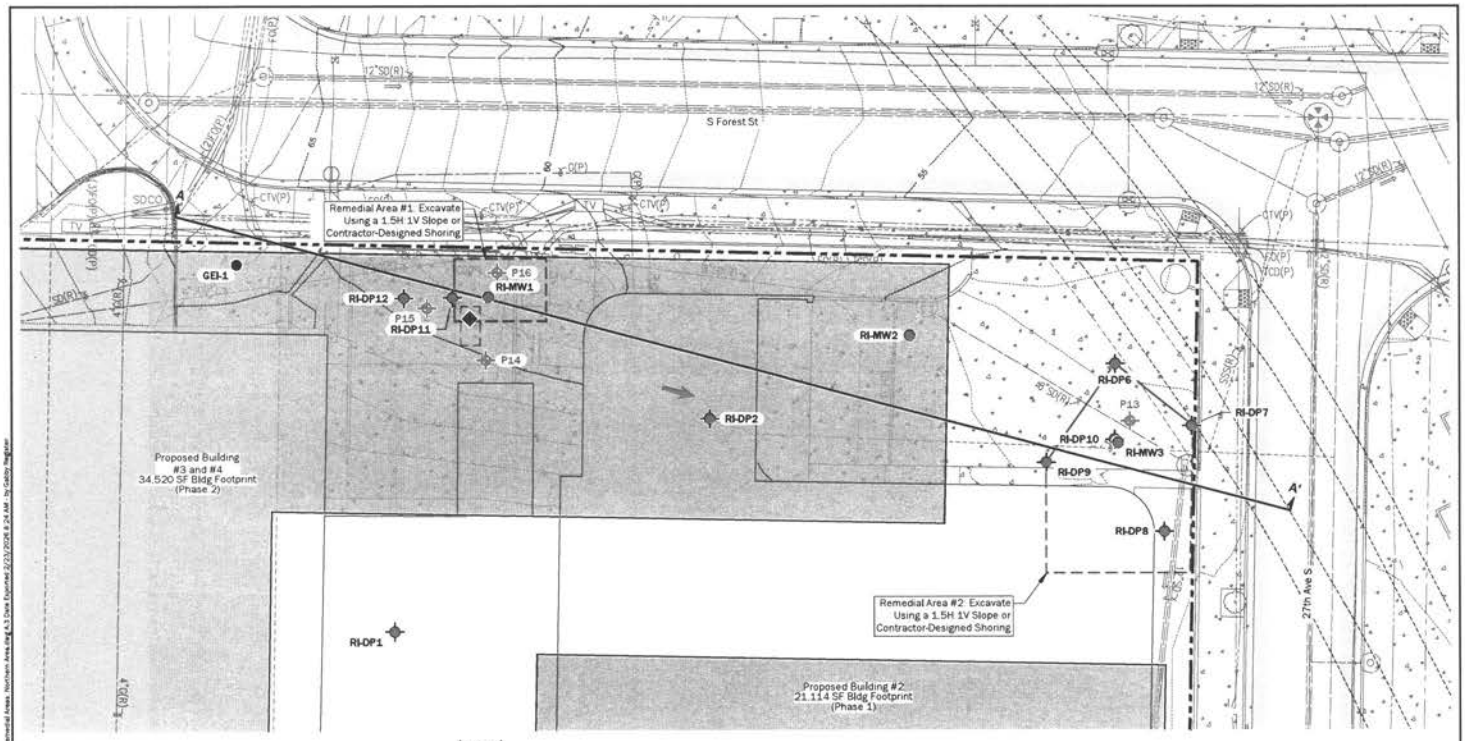
P:\17\17613012\GIS\17613012_Project\17613012_Project.aprx\1761301201_F01_VicinityMap_CAP Date Exported: 02/18/26 by gregister



Areas of Concern

UW Mount Baker Laundry Site, CAP Report
Seattle, Washington

GeoEngineers | Figure A.2



Note(s):

1. Cleanup activities in the two remedial areas will follow procedures described in the Soil Management Plan.
2. Remedial area boundaries are estimated based on explorations performed by GeoEngineers (2025) and Sound Earth Strategies (2019).

Source: Survey from Bush, Roed and Hitchings, Inc., dated 10/18/2024.

Coordinate System: WA State Plane, North Zone, NAD83, US Foot.

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Legend

- Site Boundary
- A' Cross Section Location
- Approximate Underground Storage Tank (UST)
- Proposed Building
- Estimated Groundwater Flow Direction
- UST Fill Port
- GEI-1 Geotechnical Boring with Monitoring Well by GeoEngineers, 2025
- RI-DP1 Remedial Investigation Boring by GeoEngineers, 2025
- RI-MW-1 Remedial Investigation Monitoring Well by GeoEngineers, 2025
- P13 Phase II ESA Boring by SoundEarth, 2019

Approximate Remedial Excavation Boundary

- Limit Delineated
- Limit Not Delineated

N

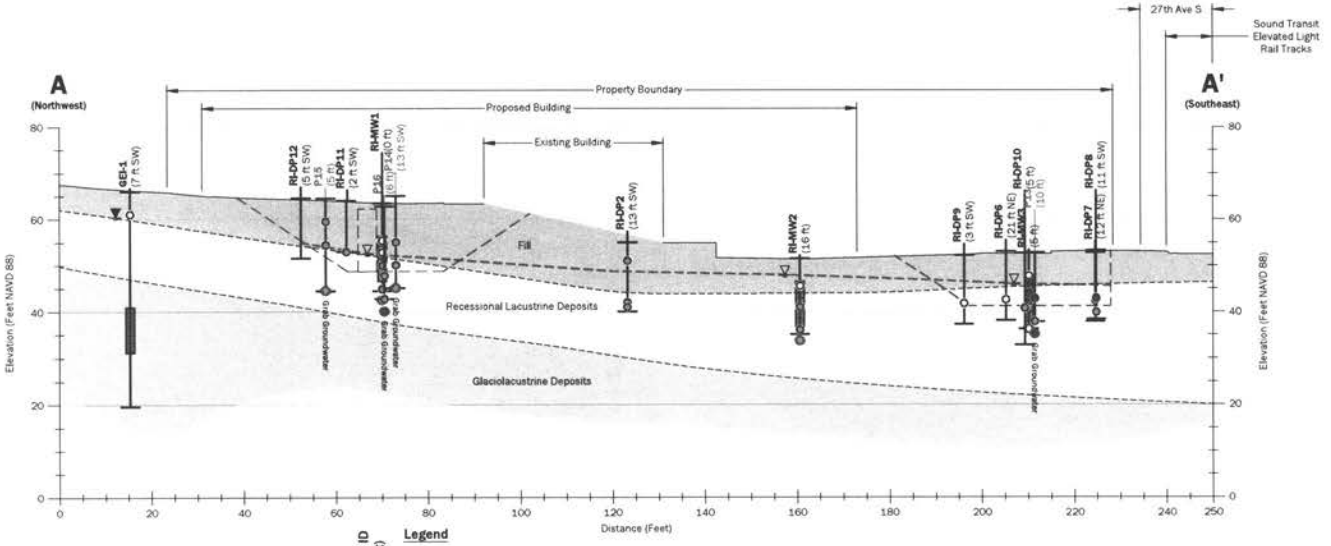
0 20 Feet

Remedial Areas, Northern Area

UW Mount Baker Laundry Site, CAP Report
Seattle, Washington

GeoEngineers

Figure A.3



Legend

- Boring ID (Offset)
- Boring
- Inferred Soil Contact
- Approximate Shallow Groundwater Table
- Well Screen
- Shallow Groundwater Elevation
- Deep Groundwater Elevation
- Fill
- Recessional Lacustrine Deposits
- Glaciolacustrine Deposits
- Approximate Underground Storage Tank (UST)
- Approximate Remedial Excavation Boundary

Sampling Results Summary

- COC(s) Not Detected in Soil Sample
- COC(s) Detected in Soil Sample at Concentrations Less than MTCA Cleanup Level (CUL)
- COC(s) Detected in Soil Sample at Concentrations Greater than MTCA CUL
- Groundwater Sample

Horizontal Feet 0 20

Vertical Feet 0 20

Vertical Exaggeration = 1X

Note(s):

1. The subsurface conditions shown are based on interpolation between widely spaced explorations and should be considered approximate; actual subsurface conditions may vary from those shown.
2. DP-7 is North, at the property line.
3. DP8 is South, along property line and building.
4. Where practical, excavations will be completed without shoring using a slope of approximately 1.5 horizontal to 1 vertical (1.5H:1V). If these slopes are not achievable, then the excavations will be completed using shoring designed by the excavation contractor and approved by a Professional Engineer registered in Washington State.

Datum: NAVD88

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Cross Section A-A'

UW Mount Baker Laundry Site, CAP Report
Seattle, Washington

GeoEngineers

Figure A.4

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Appendix B. Tables

Table 1

Technology Screening for Cleanup Alternatives

UW Mount Baker Laundry Site - RI/FS

Seattle, Washington

Remediation Technology	Description	Score									Rank	Retain (Y/N)
		Implementability	Protectiveness	Permanence	Effectiveness	Short-Term Risk Management	Restoration Time Frame	Consideration of Public Concerns	Cost	Total Score		
Monitored Natural Attenuation	Periodic sampling and analysis of soil and groundwater to evaluate degradation of COCs.	4	1	2	1	2	1	1	4	16	4	Y
Engineering and Institutional Controls	Utilizing buildings and other hardscapes planned for construction as part of property redevelopment as a barrier to prevent contact with COC-contaminated soil and groundwater. Recording an Environmental Covenant requiring implementation of a Environmental Media Management Plan (EMMP) and prohibiting the withdrawal of groundwater at the Site for beneficial use.	4	2	2	1	2	1	1	4	17	3	Y
In-situ Treatment	Treatment of COC-contaminated soil and groundwater using thermal remediation methods such as steam-enhanced extraction, electrical-resistance heating, or thermal-conductive heating. This method involves the injection of energy into the subsurface to mobilize and recover volatile organic compounds and petroleum hydrocarbons.	1	3	2	2	1	3	2	1	15	2	Y
Excavation and Off-Property Disposal	Excavation and off-site disposal of COC-contaminated soil and treatment of residual COC-contaminated soil and groundwater using a treatment chemical (e.g. PetroFix).	3	4	4	4	3	4	3	2	27	1	Y

Notes:

Scores = 0 least favorable, 4 most favorable.

Rank = Relative position to other technologies based on total score.

Total Score = Sum of individual scores.

COC = contaminant of concern.

N = Not retained for consideration in cleanup alternatives.

Y = Retained for consideration in cleanup alternatives.

Table 2

Alternatives Evaluation

UW Mount Baker Laundry Site - RI/FS

Seattle, Washington

	Cleanup Alternative 1 **In Situ Treatment and Engineering/Institutional Controls with Monitored Natural Attenuation**	**Cleanup Alternative 2** **Excavation and Off-Property Disposal and Engineering/Institutional Controls with Monitored Natural Attenuation**
Description	Treatment of soil and groundwater contaminated with only petroleum-related COCs (and not lead) using thermal remediation methods such as steam-enhanced extraction, electrical-resistance heating, or thermal-conductive heating. The planned hardscapes would be utilized to limit contact with any potential contamination remaining in place following redevelopment. An Environmental Covenant requiring implementation of a Environmental Media Management Plan for any residual COC-contaminated soil and groundwater that cannot be removed as part of the cleanup action excavation. Long-term groundwater monitoring would be conducted for MNA.	Excavation and off-site disposal of COC-contaminated soil during cleanup action activities. The planned hardscapes would be utilized to limit contact with any potential contamination remaining in place following the cleanup action and property improvements. An Environmental Covenant requiring implementation of a Environmental Media Management Plan for any residual COC-contaminated soil and groundwater that cannot be removed as part of the cleanup action excavation. A treatment chemical, such as PetroFixTM by Regenesis, will be applied to the base of the excavation to treat any residual COC-contaminated soil and/or groundwater. Long-term groundwater monitoring would be conducted for MNA.
THRESHOLD REQUIREMENTS		
Description	**Yes**—Cleanup alternative will protect human health and the environment. Worker protections will be needed in areas where COCs in soil are present at concentrations exceeding MTCA cleanup levels.	**Yes**—Cleanup alternative will protect human health and the environment. Worker protections will be needed in areas where COCs in soil are present at concentrations exceeding MTCA cleanup levels.
Compliant with Cleanup Standards	Yes–for only soil contaminated with petroleum-related COCs–Cleanup alternative will comply with cleanup standards for soil. Concentrations of petroluem-related COCs in soil will be reduced to below MTCA cleanup levels at the point of compliance. Residual COC-contaminated soil and groundwater would be addressed by No–for soil contaminated with lead–Cleanup alternative will NOT comply with cleanup standards for soil. Concentrations of lead in soil will NOT be reduced to below MTCA cleanup levels at the point of compliance. Lead-contaminated soil would be covered with an engineered cap.	Yes–Soil Only–Cleanup alternative will comply with cleanup standards. Concentrations of COCs in soil will be reduced to below MTCA cleanup levels at the point of compliance. Residual COC-contaminated soil and groundwater remaining would be treated with in-situ chemical treatment (PetroFix) followed by MNA and implementation of engineered and institutional controls.
Compliant with Applicable State and Federal Laws	**Yes**—Cleanup alternative will comply with applicable laws.	**Yes**—Cleanup alternative will comply with applicable laws.
Provision for Compliance Monitoring	Yes—Long-term compliance monitoring for groundwater at the Site will be required.	Yes—Long-term compliance monitoring for groundwater at the Site will be required.
OTHER REQUIREMENTS		
Permanent to the Maximum Extent Practicable (see detail below)	**Yes**–Cleanup alternative is permanent to the maximum extent practicable.	**Yes**–Cleanup alternative is permanent to the maximum extent practicable.
Reasonable Restoration Time Frame	**Yes**–Site restoration time frame is <1 year following the start of remediation activities, followed by long-term groundwater monitoring for a period of 3-5 years.	**Yes**–Site restoration time frame is <1 year following the start of remediation activities, followed by long-term groundwater monitoring for a period of 3-5 years.
EVALUATION CRITERIA FOR PERMANENCE TO THE MAXIMUM EXTENT PRACTICABLE		
Protectiveness (30% Weighted Factor)	Cleanup alternative will achieve overall protection. = 3	Cleanup alternative will achieve overall protection. = 4
Permanence (20% Weighted Factor)	Cleanup alternative will remediate soil and groundwater contaminated with petroleum-related COCs at the property. However, lead-contaminated soil will remain at the property and residual petroleum-contaminated groundwater and/or soil may remain beneath the City of Seattle ROW. = 2	Cleanup alternative will remediate COC-contaminated soil at the property. However, COC-contaminated soil may remain beneath the City of Seattle ROW. COC-contaminated groundwater would likely attenuate at the property. = 4
Long-Term Effectiveness (20% Weighted Factor)	Cleanup alternative is a permanent solution for COC-contaminated soil. = 3	Removal is the most permanent solution for COC-contaminated soil. = 4
Short-Term Risk Management (10% Weighted Factor)	Cleanup alternative would pose a short-term risk for personnel performing field work and would require controls to eliminate the potential for impacts to the public. = 1	Cleanup alternative would pose a limited short-term risk for personnel performing field work. = 4
Technical and Administrative Implementability (10% Weighted Factor)	Cleanup alternative requires engineering component that may delay property improvements, with field work, reporting, and legal administrative matters. = 2	Cleanup alternative requires some field work, reporting, and legal administrative matters. = 3
Public Concerns (10% Weighted Factor)	Cleanup alternative may cause some public concern due to the remediation process. = 2	Cleanup alternative may cause some limited public concern; however, complete removal of COC-contaminated soil is a remedy generally accepted by the public. = 4
Overall Score	2.4	3.9

Notes:

BTEX - benzene, toluene, ethylbenzene, and xylenes

COCs retained for evaluation through the focused feasibility study include total petroleum hydrocarbons as gasoline-range organics, and BTEX.

COCs = contaminant of concern

MTCA = Washington State Model Toxics Control Act Regulation

MNA = monitored natural attenuation

ROW = right-of-way

Appendix C. Terrestrial Ecological Evaluation

DEPARTMENT OF ECOLOGY
State of Washington

Terrestrial Ecological Evaluation Form

Washington State Department of Ecology – Toxics Cleanup Program

Under the Model Toxics Control Act[1] (MTCA), the Department of Ecology (Ecology) requires a terrestrial ecological evaluation (TEE) if hazardous substances are released to the soil at a site. In this case, you must take one of these three actions as part of your site investigation and cleanup.

1. Document an exclusion from further evaluation under WAC 173-340-7491.[2]
2. Conduct a simplified evaluation under WAC 173-340-7492.[3]
3. Conduct a site-specific evaluation under WAC 173-340-7493.[4]

This form documents the TEE type and results for your Site. You must fill out and submit this form to Ecology to complete your remedial investigation. Completing this form alone isn't enough to document your evaluation. You still need to document your analysis and the basis for your conclusion in a cleanup plan or report. For more information, contact the Ecology cleanup project manager assigned to your Site, visit our Terrestrial Ecological Evaluations[5] webpage, or see our draft TEE guidance.[6]

Part 1 Site name and identifying information

Identify the Site being documented for an evaluation.

Site name: **UW Mount Baker Laundry**

Site address: **2901 27th Avenue South, Seattle, Washington**

FSID:[a] **19911937** VCP ID:[b] _____

Part 2 Evaluator name and contact information

Provide the name and contact information for the person who conducted the evaluation.

Name: **Meredith Bush**

Title: **Staff Geologist**

Organization: **GeoEngineers, Inc.**

Mailing address: **2101 4th Avenue, Suite 950**

City: **Seattle** State: **Washington** Zip: **98121**

Email: **mbush@geoengineers.com** Phone: **206.239.3243**

[a] Facility/Site ID (FSID) assigned by Ecology

[b] Voluntary Cleanup Program (VCP) project ID assigned by Ecology

Part 3 Document evaluation type and results

3A Exclusion from further evaluation

3A-1 Does the Site qualify for an exclusion from further evaluation? (✓ one)

☐ Yes (go to next question).

☑ No or Unknown (go to Section 3B).

3A-2 What is the basis for the exclusion? (✓ all that apply, then skip to Part 4)

Point of compliance: WAC 173-340-7491(1)(a)

All soil contamination is, or will be, deeper than at least:*

☐ 15 feet below ground surface.

☐ 6 feet below ground surface or other Ecology-approved depth, and institutional controls are used to manage remaining contamination.

Barriers to exposure: WAC 173-340-7491(1)(b)

☐ All contaminated soil is, or will be, covered by physical barriers (e.g., buildings or pavement) that prevent exposure to plants and wildlife, and institutional controls are used to manage the remaining contamination.*

Undeveloped land: WAC 173-340-7491(1)(c)

☐ Less than 0.25 acres of contiguous# undeveloped land± are located on or within 500 feet of any area of the Site, and any of the following chemicals is present:

chlorinated dioxins or furans, PCB mixtures, DDT, DDE, DDD, aldrin, chlordane, dieldrin, endosulfan, endrin, heptachlor, heptachlor epoxide, benzene hexachloride, toxaphene, hexachlorobenzene, pentachlorophenol, or pentachlorobenzene.

☐ For sites not impacted by any of these chemicals, less than 1.5 acres of contiguous undeveloped land exists on or within 500 feet of any area of the Site.

Background concentrations: WAC 173-340-7491(1)(d)

☐ Concentrations of hazardous substances in soil do not exceed natural background levels defined in WAC 173-340-200[7] and WAC 173-340-709.[8]

* An exclusion based on future land use must have an Ecology-acceptable completion date for any future development.

\# Contiguous undeveloped land is not fragmented into smaller areas by highways, extensive paving, or similar structures that could hinder wildlife access to such areas.

± Undeveloped land is not covered by buildings, roads, pavement, or other barriers that would prevent wildlife from feeding on plants and other food sources in or on the soil.

3B Simplified evaluation

3B-1 Does the Site qualify for a simplified evaluation? (✓ one)

- [x] Yes (go to next question).
- [ ] No or Unknown (skip to Section 3C).

3B-2 Did you conduct a simplified evaluation? (✓ one)

- [x] Yes (go to next question).
- [ ] No (skip to Section 3C).

3B-3 Was further evaluation necessary? (✓ one)

- [ ] Yes (go to next question).
- [x] No (go to Question 3B-5).

3B-4 If further evaluation was necessary, what did you do? (✓ one)

- [ ] Used the MTCA Table 749-2[9] concentrations as cleanup levels (skip to Part 4).
- [ ] Conducted a site-specific evaluation (skip to Section 3C).

3B-5 If no further evaluation was necessary, what was the reason? (✓ all that apply, then skip to Part 4).

Exposure analysis: WAC 173-340-7492(2)(a)

- [ ] The total area of Site soil contamination is not more than 350 square feet.
- [x] The current or planned land use makes wildlife exposure unlikely, based on MTCA Table 749-1.[10]

Pathway analysis: WAC 173-340-7492(2)(b)

- [ ] No potential exposure pathways from soil contamination to ecological receptors are complete.

Contaminant analysis: WAC 173-340-7492(2)(c)

- [ ] No contaminant listed in MTCA Table 749-2 is, or will be, present from ground surface to 15 feet deep at concentrations that exceed the values listed in MTCA Table 749-2.
- [ ] No contaminant listed in MTCA Table 749-2 is, or will be, present in the upper 6 feet (or alternative depth, if approved by Ecology) at concentrations that exceed the values listed in MTCA Table 749-2, and institutional controls are used to manage remaining contamination.
- [ ] No contaminant listed in MTCA Table 749-2 is, or will be, present in the upper 15 feet at concentrations likely to be toxic or have the potential to bioaccumulate, as determined using Ecology-approved bioassay results.
- [ ] No contaminant listed in MTCA Table 749-2 is, or will be, present in the upper 6 feet (or alternative depth, if approved by Ecology) at concentrations likely to be toxic or have the potential to bioaccumulate, as determined using Ecology-approved bioassay results, and institutional controls are used to manage remaining contamination.

3C Site-specific evaluation

A site-specific evaluation process consists of: 1) formulating the problem, and 2) selecting the methods for addressing the identified problem. Both parts require Ecology consultation and approval – see WAC 173-340-7493(1)(c). For more information, see our draft TEE guidance.

3C-1 Was there a problem? – see WAC 173-340-7493(2)? (✓ one)

- ☐ Yes (go to next question)
- ☐ No (select the reason here, then go to 3C-5):
  - ☐ No issues were identified during the problem formulation step.
  - ☐ Issues were identified and resolved by cleanup actions for protecting human health.

3C-2 What did you do to resolve the problem? – see WAC 173-340-7493(3)? (✓ one)

- ☐ Used concentrations listed in MTCA Table 749-3 as cleanup levels (go to Question 3C-5).
- ☐ Used one or more methods listed in WAC 173-340-7493(3) to evaluate and resolve the identified problem (go to next question).

3C-3 If you conducted further site-specific evaluations, what methods did you use – see WAC 173-340-7493(3)? (✓ all that apply)

- ☐ Literature surveys.
- ☐ Biomarkers.
- ☐ Site-specific field studies
- ☐ Soil bioassays.
- ☐ Weight of evidence.
- ☐ Wildlife exposure model

Other Ecology-approved methods – please specify:

_____

3C-4 What was the result of those evaluations? (✓ one)

- ☐ No problems were identified.
- ☐ Identified a problem and established site-specific cleanup levels.

3C-5 Has Ecology approved both your problem formulation and problem resolution steps? (✓ one)

- ☐ Yes Identify the Ecology staff who approved those steps:

_____

- ☐ No (go to Part 4).

Part 4 Submit to Ecology

Email this completed form to the cleanup site manager assigned to your site.

ADA Accessibility

Ecology is committed to providing people with disabilities access to our information and services by meeting or exceeding the requirements of state and federal laws.

To request an ADA accommodation, email ecyadacoordinator@ecy.wa.gov, call (360) 407-7170, or call Ecology through the Washington Telecommunication Relay for services including text telephone (TTY) at 711 or through your preferred relay service provider. Visit Ecology's Accessibility & the Americans with Disabilities Act[15] webpage for more accessibility information.

[1] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true
[2] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-7491
[3] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-7492
[4] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-7493
[5] https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/terrestrial-ecological-evaluation
[6] https://apps.ecology.wa.gov/publications/SummaryPages/1909051.html
[7] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-200
[8] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-709
[9] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-900
[10] https://app.leg.wa.gov/WAC/default.aspx?cite=173-340&full=true#173-340-900
[11] mailto:VCP-NWRO@ecy.wa.gov
[12] mailto:VCP-SWRO@ecy.wa.gov
[13] mailto:VCP-CRO@ecy.wa.gov
[14] mailto:VCP-ERO@ecy.wa.gov
[15] https://ecology.wa.gov/about-us/accessibility-equity/accessibility

Appendix B. Tables

Appendix C. Terrestrial Ecological Evaluation