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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

MOUNT BAKER HOUSING
ASSOCIATION,

Defendant.

NO. 16-2-29584-3 SEA

DECLARATION OF CHING-PI WANG

I, Ching-Pi Wang, declare as follows:

1. I am over 21 years of age and am competent to testify herein. The facts set forth in this declaration are from my personal knowledge.

2. I am employed by the Washington State Department of Ecology (Ecology) as a Cleanup Project Manager in the Toxics Cleanup Program for Ecology’s Northwest Regional Office. I am the designated Cleanup Project Manager for the Mount Baker Properties Site, and I am therefore knowledgeable about matters related to this Site.

3. The Site is generally located along and to the north and south of South McClellan Street between Martin Luther King Jr. Way S. and 29th Avenue S., Seattle, King County, Washington.

1 4. Ecology has determined that releases or threatened releases of hazardous
2 substances have occurred at the Site above applicable standards as set forth in the MTCA
3 Cleanup Regulations, WAC 173-340. Specifically, these releases include: total gasoline-range
4 petroleum hydrocarbons (TPHg), total diesel-range petroleum hydrocarbons (TPHd), total oil-
5 range petroleum hydrocarbons (TPHo) and associated benzene, toluene, ethylbenzene, and
6 xylenes (BTEX) in soil and groundwater; carcinogenic polynuclear aromatic hydrocarbons
7 (cPAHs) in soil; and chlorinated and non-chlorinated volatile organic compounds (VOCs) in
8 groundwater.

9 5. Ecology has determined that contamination at the Site presents a threat to human
10 health or the environment.

11 6. MBHA is the prospective purchaser of real property located within the Site.
12 Ecology has not identified MBHA as a potentially liable person (PLP) for the site under MTCA.
13 MBHA has certified it is not currently liable for the Site under MTCA.

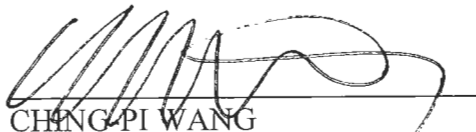
14 7. The proposed Prospective Purchaser Consent Decree (Decree) was available for
15 public comment between October 28, 2016, and November 28, 2016. Ecology received three
16 comments during this period. Two of the comments solely concerned the contemplated
17 redevelopment (one requesting to meet with MBHA; the other asking whether garden space
18 would be provided). These comments were referred to MBHA. The third comment requested
19 that Ecology make certain edits to the findings section of the Decree, which Ecology has
20 declined to make. A true and correct copy of this comment submission is attached as Exhibit A
21 to this Declaration. A true and correct copy of Ecology's response to this comment submission
22 is attached as Exhibit B to this Declaration. Ecology has determined that no changes to the
23 proposed Decree are required based on public comment, and that no additional public comment
24 is required.

25 8. Ecology finds that this Decree will yield substantial new resources to facilitate
26 cleanup of the Site; will lead to a more expeditious cleanup of hazardous substances at the Site

1 in compliance with the cleanup standards established under RCW 70.105D.030(2)(e) and
2 WAC 173-340; will promote the public interest by facilitating the redevelopment or reuse of the
3 Site; and will not be likely to contribute to the existing release or threatened release at the Site,
4 interfere with remedial actions that may be needed at the Site, or increase health risks to persons
5 at or in the vicinity of the Site. In addition, Ecology has determined that this Decree will
6 provide a substantial public benefit by: (1) significantly advancing the cleanup process at the
7 Site through completion of an RI/FS; and (2) putting the structure in place for future cleanup
8 and redevelopment of a vacant former gas/service station, a dry cleaning operation, and other
9 currently contaminated properties within the Site. MBHA will construct affordable, transit-
10 oriented housing on the Site properties, which is a critical need in the City of Seattle. The
11 affordable housing at the properties, in the southeast portion of Seattle in the North Rainier
12 neighborhood, is intended to serve a diverse population of residents. MBHA will continue to
13 own and operate the redeveloped properties for the benefit of its tenants. This Decree will
14 facilitate redevelopment of the properties at the Site, which is contingent on additional remedial
15 actions first occurring. Once completed, the redevelopment will add additional affordable,
16 transit-oriented housing at the Site.

17 I declare under penalty of perjury of the laws of the state of Washington that the
18 foregoing is true and correct.

19 DATED this 30th day of November 2016, in Bellevue, Washington.

20
21 
22 CHING-PI WANG
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Ching-Pi Wang Declaration

EXHIBIT A

Wang, Ching-Pi (ECY)

From: Thiele, Steven J. <steve.thiele@stoel.com>
Sent: Monday, November 28, 2016 10:51 AM
To: Wang, Ching-Pi (ECY)
Cc: Fitz, Andy (ATG); John.Garrett@p66.com; Ed.C.Ralston@p66.com
Subject: Comment on Mount Baker Properties Cleanup Site PPCD

Dear Ching-Pi:

I represent Phillips 66 Company (Phillips 66) on the cleanup of the property at 2800 Martin Luther King Jr. Way South in Seattle (the Hooe Holdings Property) and am writing regarding the proposed Prospective Purchaser Consent Decree (PPCD) with the Mount Baker Housing Authority (MBHA) for the Mount Baker Properties Site (Site). As explained below, Phillips 66 has both general and specific comments on the PPCD.

As you know, Phillips 66 has been investigating the Hooe Holdings Property for some time through Ecology's Voluntary Cleanup Program, and generally agrees with the facts and findings in the PPCD. However, as a general matter, Phillips 66 is puzzled why the current owner of the property, Hooe Holdings, LLC (Hooe), isn't mentioned by name anywhere in the draft decree. This omission is particularly notable because the findings of fact specifically state that in the 1990's and until 2004, during Hooe's ownership, the Hooe Holdings Property was used as an auto repair business and implies that such operations contributed to the contamination at the property.

Additionally, Phillips 66 is concerned that portions Sections V(C) and (D) in the Findings of Fact Section imply a lower level of knowledge about the source of volatile organic compounds (VOCs) on the Hooe Holding Property than is currently available. Specifically, Phillips 66's investigations of the property indicate that the upgradient Mount Baker Cleaners' property is the likely source of the VOCs on the Hooe Holdings Property.

In light of these concerns, Phillips 66 suggests that language regarding the Mount Baker Cleaners' property be moved to the beginning of Section V to frame the discussion of the Hooe Holding Property, and that Sections V(C) and (D) be revised as follows:

C. Over the last several decades, businesses operating at the Site released hazardous substances at the Site. With respect to the property at 2800 Martin Luther King Jr. Way S., between approximately 1955 and 1989, the property was used by predecessors of Phillips 66, Inc., as a retail gas station. During the 1990s and until 2004, the current owner of the 2800 Martin Luther King Jr. Way S. property, Hooe Holdings, LLC, was used the property as an auto repair business. At least some of the contamination at the Site is related to these past operations. Petroleum-related contamination was first confirmed at the 2800 Martin Luther King Jr. Way S. property in about 2005 in soil and groundwater. Environmental sampling has also found solvent-related contamination on the 2800 Martin Luther King Jr. Way S. property and other areas of the Site. Through the VCP, Ecology has determined that total gasoline-range petroleum hydrocarbons (TPHg), total diesel-range petroleum hydrocarbons (TPHd), total oil-range petroleum hydrocarbons (TPHo) and associated benzene, toluene, ethylbenzene, and xylenes (BTEX) are present in soil and groundwater, carcinogenic polynuclear aromatic hydrocarbons (cPAHs) are present in soil, and chlorinated and non-chlorinated volatile organic compounds (VOCs) are present in groundwater, all above applicable MTCA cleanup levels at the 2800 Martin Luther King Jr. Way S. property.

D. Three underground storage tanks were removed at the 2800 Martin Luther King Jr. Way S. property in 1989. In 2005 other gas/service station equipment was removed and a petroleum-related release was reported to Ecology in August 2005. In 2005–06, several soil and groundwater borings were advanced.

In 2005, five ozone injection points were installed, ozone was applied, and this system operated until 2007. In 2007, additional treatment was conducted through in-situ chemical oxidation. In addition, chlorinated and non-chlorinated VOCs have been detected at the Site and the 2800 Martin Luther King Jr. Way S. property. ~~Ecology has opined in the context of the VCP that~~ Available information indicates that this VOC contamination may be from releases of solvents on the 2800 Martin Luther King Jr. Way S. property, may be the result of solvent releases from Mount Baker Cleaners, located on the north side of South McClellan Street at 2864 South McClellan Street, which may have migrated onto the 2800 Martin Luther King Jr. Way S. property, or may be the result of both however the remedial investigation MBHA will conduct under Section VI of this decree will further delineate the source of the VOCs. Since 2010, Phillips 66 has conducted additional sampling in the VCP at the property. No additional remedial actions have been conducted. There have been no remedial actions associated with Mount Baker Cleaners' property at 2864 South McClellan Street. VOC and petroleum contamination is commingled at the Site.

Phillips 66 appreciates the opportunity to comment on the PPCD. If you have questions about any of our comments, please don't hesitate to contact me.

Thanks,

Steve

Steven J. Thiele | Partner

STOEL RIVES LLP | 600 University Street, Suite 3600 | Seattle, WA 98101-4109

Direct: (206) 386-7530 | Mobile: (206) 697-0994 | Fax: (206) 386-7500

sithiele@stoel.com | [Bio](#) | [vCard](#) | www.stoel.com

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Ching-Pi Wang Declaration

EXHIBIT B



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 1, 2016

Steven J. Thiele
Stoel Rives LLP
600 University Street Suite 3600
Seattle WA 98101-4109

RE: Mount Baker Properties Cleanup Site

Dear Mr. Thiele:

Thank you for your comments on behalf of the Phillips 66 Company (Phillips 66) with respect to the proposed Prospective Purchaser Consent Decree (PPCD) with the Mount Baker Housing Authority (MBHA) for the Mount Baker Properties Site (Site).

You have made two general comments on behalf of Phillips 66: first, that the PPCD's findings should identify by name the current owner of one of the contaminated properties at the Site and second, that the findings "imply a lower level of knowledge...than is currently available" concerning the source of Volatile Organic Compound (VOC) contamination at the same contaminated property. You follow up these comments with specific suggested edits to two of the PPCD's findings (Section V.C & D) as well as a suggestion to re-order within the findings section language concerning another contaminated Site property.

Ecology has considered your comments but has decided to proceed toward entry of the PPCD without making the suggested edits. With respect to the first comment; because the identity of the current owner is not material to entry of the PPCD, Department of Ecology (Ecology) is unwilling to change the document at this stage. The purpose of the PPCD is to prospectively resolve liability under the Model Toxics Control Act (MTCA) that MBHA will assume upon purchasing contaminated properties at the Site, including the contaminated property at issue. The identity of the current owners of these properties has no bearing on the resolution of this prospective liability; and in fact, the current proposed PPCD's findings do not identify *any* of the current owners of Site properties. Similarly, the PPCD does not identify any current "potentially liable persons" for the Site. Beyond MBHA, the PPCD neither opines on, addresses nor resolves MTCA liability related to any other person at the Site.

Steven J. Thiele
December 1, 2016
Page 2

With respect to the second comment, your suggested edits to finding V.D. materially change the finding. As currently framed, the finding states that Ecology has opined in a Voluntary Cleanup Program letter that VOC contamination on the 2800 Martin Luther King Jr. Way South property may have stemmed from:

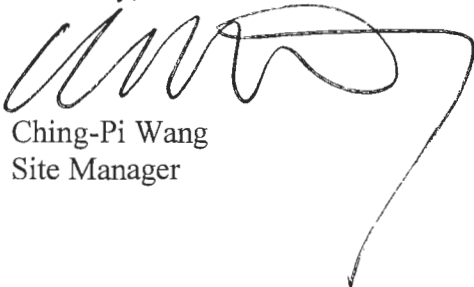
1. The release of solvents on the 2800 Martin Luther King Jr. Way South property;
2. The result of solvent releases from Mount Baker Cleaners, located at 2864 South McClellan Street, which may have migrated onto the 2800 Martin Luther King Jr. Way South property; or
3. The result of both of the above releases.

Your suggested edits; however, state that “[a]vailable information indicates” the VOC contamination on the 2800 Martin Luther King Jr. Way South property may stem from solvent releases from Mount Baker Cleaners, while eliminating any reference to solvent releases at the 2800 Martin Luther King Jr. Way South property. These edits; together with your proposed re-ordering of the findings, create a different impression than the current finding: the impression that an off-property source is the sole suspected source of VOC contamination on the 2800 Martin Luther King Jr. Way South property.

The current framing of V.D accurately reflects conclusions made by Ecology’s Voluntary Cleanup Program in a February 13, 2014 letter directed to Phillips 66 (attached). Ecology sees no reason to stray from these conclusions today. Looking forward, of course, one of the purposes of the investigation to be conducted under the PPCD is to better delineate VOC contamination at the Site.

Thank you again for your comments on behalf of Phillips 66. We appreciate your client’s interest in this Site.

Sincerely,



Ching-Pi Wang
Site Manager



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 13, 2014

Mr. Louis Mosconi
Phillips 66 Company
3900 Kilroy Airport Way, Suite 210
Long Beach, CA 90806

Re: Opinion Pursuant to WAC 173-340-515(5) on Proposed Remedial Action for the Following Hazardous Waste Site:

- **Name:** Phillips 66 070644
- **Address:** 2800 Martin Luther King Jr. Way S., Seattle, WA
- **Facility/Site No.:** 42746846
- **VCP No.:** NW2612
- **Cleanup Site ID No.:** 6056

Dear Mr. Mosconi:

Thank you for submitting documents regarding your proposed remedial action for the **Phillips 66 070644** facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Total gasoline-range petroleum hydrocarbons (TPHg) and associated benzene, toluene, ethylbenzene, and xylenes (BTEX) in Soil and Groundwater;
- Total diesel-range petroleum hydrocarbons (TPHd) in Soil and Groundwater;
- Total oil-range petroleum hydrocarbons (TPHo) in Soil and Groundwater;
- Carcinogenic polynuclear aromatic hydrocarbons (cPAH) in Soil; and
- Tetrachloroethene (PCE) and related degradation product volatile organic compounds (VOCs) in Groundwater;
- Non-chlorinated VOCs in Groundwater including 1,2,4-trimethylbenzene (TMB), 1,3,5-TMB, and naphthalenes.



Mr. Louis Mosconi
February 13, 2014
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Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action:

1. G-Logics, Inc., *Cleanup Action Report, Former Gas Station, 2800 Martin Luther King Way South, Seattle, WA 98144*, October 31, 2005.
2. G-Logics, Inc., *Summary Report Site Remediation and Groundwater Monitoring, Former Auto Service Station, 2800 Martin Luther King Way South, Seattle, WA 98144*, August 2, 2007.
3. G-Logics, Inc., *Cleanup Action Plan, Former Gas Station, 2800 Martin Luther King Way South, Seattle, WA 98144*, January 22, 2008.
4. Stantec Consulting Corporation (Stantec), *Soil and Groundwater Assessment Report, Former Tidewater Service Station, ConocoPhillips Site 5173, Chevron Site 301233, 2800 Martin Luther King Way South, Seattle, WA*, March 13, 2012.
5. Stantec, *Fourth Quarter 2011 Monitoring and Sampling Report, Former Tidewater Service Station, ConocoPhillips Site 5173, Chevron Site 301233, 2800 Martin Luther King Way South, Seattle, WA*, April 25, 2012.
6. Stantec, *First Quarter 2012 Monitoring and Sampling Report, Former Tidewater Service Station, ConocoPhillips Site 5173, Chevron Site 301233, 2800 Martin Luther King Way South, Seattle, WA*, April 27, 2012.
7. Conestoga-Rovers & Associates (CRA), *Second Quarter 2012, Groundwater Monitoring and Sampling Report, Former Tidewater Site, Phillips 66 Site 5173, Chevron Site 301233, 2800 Martin Luther King Junior Way South, Seattle, WA, DOE Case 42746846*, October 9, 2012.
8. CRA, *Third Quarter 2012 Groundwater Monitoring and Sampling Report, Former Tidewater Site, Phillips 66 Site 5173, Chevron Site 301233, 2800 Martin Luther King Junior Way South, Seattle, WA, DOE Case 42746846*, December 11, 2012.
9. CRA, *Fourth Quarter 2012 Groundwater Monitoring and Sampling Report, Former Tidewater Site, Phillips 66 Site 5173, Chevron Site 301233, 2800 Martin Luther King Junior Way South, Seattle, WA, DOE Case 42746846*, February 26, 2013.
10. CRA, *First Quarter 2013 Groundwater Monitoring and Sampling Report, Former Tidewater Site, Phillips 66 Site 5173, Chevron Site 301233, 2800 Martin Luther King Junior Way South, Seattle, WA, DOE Case 42746846*, July 23, 2013.

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February 13, 2014
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11. CRA, *Second Quarter 2013 Groundwater Monitoring and Sampling Report, Former Tidewater Site, Phillips 66 Site 5173, Chevron Site 301233, 2800 Martin Luther King Junior Way South, Seattle, WA, DOE Case 42746846*, November 7, 2013.
12. CRA, *Remedial Investigation and Feasibility Study Work Plan, Phillips 66/Former Tidewater Site, 2800 Mlk Jr Way S., Seattle, WA*, December 2, 2013.
13. Conestoga-Rovers & Associates (CRA), *Third Quarter 2013 Groundwater Monitoring and Sampling Report, Former Tidewater Site, Phillips 66 Site 5173, Chevron Site 301233, 2800 Martin Luther King Junior Way South, Seattle, WA, DOE Case 42746846*, December 18, 2013.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at (425) 649-7235 or sending an email to nwro_public_request@ecy.wa.gov.

The Site is defined by the extent of contamination caused by the following releases:

- TPHg and associated BTEX in Soil and Groundwater;
- TPHd in Soil and Groundwater;
- TPHo in Soil and Groundwater;
- cPAH in Soil;
- PCE and related degradation product VOCs in Groundwater;
- Non-chlorinated VOCs in Groundwater including 1,2,4-TMB, 1,3,5-TMB, and naphthalenes.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site, Ecology has determined:**

- The additional proposed sampling and data collection will provide valuable data for characterization of the Site, and assist in development of a conceptual site model for the Site.
- One upgradient well may not be sufficient to determine if there is an upgradient source of PCE for the Property, and Ecology recommends at least one more upgradient well be added to the proposed scope of work. These wells, and all others sampled for VOCs should be sampled using low flow sampling methods.
- The former service garage could be a source of PCE at the Site based on the common historical use of PCE as an automotive parts washer and the distribution of the PCE

groundwater data. All chlorinated solvents detected at the Site need to be presented in text, tables, and figures, regardless of source.

In addition to the proposed boring locations presented in the Work Plan, soil samples should be collected from borings sited to characterize the former hoists and sumps within the former service garage and analyzed for TPHg, TPHd, TPHo, VOCs, cPAHs, and PCBs in general accordance with Table 830-1 of the MTCA regulation for waste oil releases.

All potential contaminants of concern (COCs) in each media need to be discussed in remedial investigation (RI) documents, and appropriate cleanup levels developed and identified for comparison. This includes VOCs including PCE and its degradation products, naphthalenes and the trimethylbenzenes that have been detected in groundwater. Once the RI is complete and each potential COC is discussed, Ecology will comment on the final COCs for the Property and the Site.

- Based on the information presented, additional sampling is proposed to address many of the data gaps related to vertical and lateral extent of contamination in soil. Ecology suggests that an additional boring be located near boring P-4 to address the lack of vertical definition of soil impacts at borings B-7, P-1, and P-9. In addition, the extent of contamination west and north of B-6 and north of B-3 has not been defined. Additional borings are advisable to define the lateral extent of contamination in these areas.
- Reports have indicated that a waste oil tank was formerly located with the former gasoline tanks at the northwest portion of the Property. However, sampling is being proposed related to the “former and current waste oil and heating oil USTs” near what is labeled a heating oil tank on the figures (southeast of the garage). Please clarify the status and locations of all current or former waste oil and heating oil tanks at the Property.
- Because the Method B soil cleanup level calculated using the MTCATPH11.1 worksheet tool is for TPH across the TPH ranges, there will be one Method B cleanup level for the Site. This will correspond to the lowest concentration calculated from inputting the proposed EPH/VPH sampling data into the MTCATPH11.1 worksheet. This Method B cleanup level should then be compared to the sum of the TPHg, TPHd, and TPHo concentrations at any given sampling location and depth to determine compliance at the Site. If Method B is used for TPH in soil, Method B cleanup levels will also need to be used for TPH in groundwater.
- According to the Draft ***Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action***, Ecology Publication No. 09-09-047, October 2009, Tier I soil vapor sample data is needed at all developable areas of the Site. This Tier I sampling is required before indoor air modeling can be done. Therefore, soil vapor data must be collected to establish that soil vapor is not an issue for potential future uses of the Site, including all areas with volatile COCs including TPH and chlorinated solvents in soil and groundwater at the Site.
- Groundwater samples collected at MW-7 and MW-10 have had detections of chlorinated VOCs at concentrations greater than MTCA Method A cleanup levels, and additional characterization will be required to define the extent of chlorinated VOCs in groundwater.

Mr. Louis Mosconi

February 13, 2014

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- For a non-potability determination to be made, the yield must be determined to comply with WAC 173-340-720 (2)(b)(i). Ecology recommends conducting a step drawdown test prior to the yield test to estimate the optimum pumping rate for the yield test. Water level measurements should also be collected once a minute during the first 5 to 15 minutes of testing at each proposed rate to ensure a more complete data set. The frequency of data collection and duration of the tests may need to be revised in the field based on actual pumping rates and corresponding drawdown in the pumping well.

In addition, all of the requirements in WAC 173-340, especially WAC 173-340-720 (2) c (i through vii), need to be met. This includes demonstrating that there is a low likelihood of interconnection between the contaminated groundwater and groundwater that is a current or potential future source of drinking water. Therefore, a deep boring penetrating the aquitard below the perched aquifer will be necessary to show that the aquitard is thick enough to prevent migration of contaminants from the perched aquifer into a deeper aquifer. During drilling of a deep boring, ground water below the aquitard will need to be protected from potential cross contamination by using telescoping casing.

The yield test should be conducted at a location at the Site with the highest potential yield. The proposed location of MW-12 should be evaluated to make sure that its location will meet this criterion. Ecology recommends performing slug tests in existing wells to decide where to site a new well for the yield test. Alternately, an existing well with the highest apparent hydraulic conductivity based on the slug tests could be used if it fully penetrates the perched aquifer.

Until a non-potability determination can be made, it is premature to develop a conceptual site model and cleanup levels that are not protective of the drinking water pathway.

- Once the Site has been fully characterized and it is clear whether drinking water is an exposure pathway for the Site, a Remedial Investigation (RI) report that summarizes all previous investigations and shows the nature and extent of contamination in all media must be provided. The RI must provide summaries of the former Site uses that could have resulted in releases, including a history of the use and locations of tanks and service areas. Cross-sections and plan-view graphics are needed to show the relationship of the Site contamination to current and former Site features, parcel boundaries, Site geology, subsurface utilities, and points of compliance. Description and interpretation of geologic and hydrogeologic conditions for and in the vicinity of the Site is needed. Boring logs and test pit logs need to be included with the RI evaluation and appended to the RI.

Summary tables should include all compounds that have been detected in each media throughout the history of the Site, and the proposed cleanup level for each compound. It would be helpful to have remaining in-situ soil samples and treated soil samples representing re-used backfill on a separate table from over-excavated and stockpile samples. An annotated outline of an RI Report is presented in **Enclosure B** to provide an understanding of Ecology's expectations for conducting and documenting the RI.

This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no

Mr. Louis Mosconi
February 13, 2014
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further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. **This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

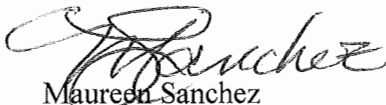
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-7257 or at masa461@ecy.wa.gov.

Sincerely,



Maureen Sanchez
Site Manager
Toxics Cleanup Program

Enclosures: Enclosure A: Description and Diagrams of the Site
 Enclosure B: Remedial Investigation Outline

cc: Sonia Fernandez, VCP Coordinator, Ecology
 Edwin Turner, Conestoga-Rovers & Associates