

April 30, 2019

Michael Warfel  
Washington State Department of Ecology  
Toxics Cleanup Program, NW Regional Office  
3190 160th Ave SE  
Bellevue, Washington 98008

**Subject: Comments on January 31, 2019 UST Cleanup Action Plan Outline  
Former Plaid Pantry Store No. 324  
1065 16<sup>th</sup> Avenue SW, Seattle, Washington  
Ecology VCP File #NW2585  
Facility/Site ID #18113426**

Dear Mr. Warfel:

This letter has been prepared by Geosyntec Consultants, Inc. (Geosyntec), on behalf of Richard Piacentini and the 10645 16th Avenue SW LLC (property owner) and at the request of his legal counsel, JW Ring, regarding the January 31, 2019 letter from EES Environmental (EES) to the Washington State Department of Ecology (Ecology). EES prepared the letter on behalf of Plaid Pantry (Plaid), who is enrolled in a voluntary cleanup program (VCP) at the above referenced project Site. The letter is titled “*UST Cleanup Action Plan Outline*” (referred to herein as CAP Outline) and in it, EES requests Ecology’s review and formal opinion of Plaid’s plans to close the Site.

Within the CAP Outline, EES argues two primary points: 1) that the excavation of a small area where soil impacts exceed cleanup levels are disproportionate to the benefits; and 2) future land use concerns can be mitigated through environmental covenants (i.e., land use restrictions and requiring engineering controls on future buildings). The CAP Outline only calls for additional soil gas sampling to assess potential vapor intrusion risk to the property to the north and in the utility corridor in the public right-of-way to the west. The CAP Outline does not propose any cleanup actions at the Site.

On April 25, 2019, Geosyntec contacted Mr. Warfel via phone to express the property owner’s concerns with relying on land use restrictions to close this Site. Plaid and its lawyers were also informed of the property owner’s position by JW Ring. The property owner expects to redevelop this property as the White Center neighborhood of Seattle continues to grow. He wants to have complete redevelopment flexibility, so as to maximize the value of his property. Relying solely on a land use covenant reduces the property value and flexibility in redevelopment.

In addition, while Geosyntec agrees that only a limited lens of soil exceed the calculated Model Toxic Control Act (MTCA) Method B cleanup value (2,919 milligrams per kilogram [mg/kg]), which is for unrestricted land use, this cleanup value only addresses direct contact with soil. The vapor data suggests that the existing soil is a significant source for ongoing vapor intrusion risks to future buildings and the vapor risk driver is primarily benzene. In order to address the ongoing vapor risk, soils beneath the Site and the accessible right-of-way (earthen berm) should be addressed, at a minimum, to levels that are protective of human health for the vapor intrusion pathway for unrestricted land use. We recognize that the impacts are located in an area with active utilities and extend beneath the adjacent right-of-way and street, which pose a challenge to excavating the impacted soil. However, the extent of impacts onsite are relatively shallow (less than 10 to 15 feet below ground surface) and limited to the unsaturated zone. As such, cleanup of these impacts likely does not pose a disproportionate cost to the benefit of addressing the vapor intrusion risk now and allowing flexibility for property redevelopment in the future.

Geosyntec understands that Ecology is in the process of preparing an opinion letter in response to the CAP Outline from EES. As the property owner, Mr. Piacentini believes that Plaid should be required to cleanup up the Site to allow for unrestricted land use. Any other option significantly impacts his ability to redevelop or sell the property.

We appreciate your consideration of the property owner's objectives for this Site and comments on Plaid's CAP Outline. If you would like to discuss this matter further, you can reach us at:

- Melissa Asher, 206.496.7449, [masher@geosyntec.com](mailto:masher@geosyntec.com)
- Joey Hickey, 971.271.5897, [jhickey@geosyntec.com](mailto:jhickey@geosyntec.com)
- Richard Piacentini, 206.448.1975, [richardp@belmarprop.com](mailto:richardp@belmarprop.com)
- JW Ring, 503.964.6723, [jwring@ringbenderlaw.com](mailto:jwring@ringbenderlaw.com)

Sincerely,



Joey Hickey.  
Senior Scientist



Melissa Asher, P.E.  
Principal Engineer

Copies to:

Richard Piacentini, 10645 16th Avenue SW LLC  
JW Ring, Ring Bender LLP