



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 26, 2020

Susan Penoyar  
Sound Transit  
401 South Jackson Street  
Seattle, WA 98104

**Re: Opinion pursuant to WAC 173-340-515(5) on Remedial Action for the following Hazardous Waste Site:**

- **Site Name:** Y Pay Mor Drycleaner
- **Site Address:** 2210 S 320<sup>th</sup> Street, Federal Way, Washington 98003
- **Facility/Site No.:** 2518
- **Cleanup Site ID:** 3180
- **VCP Project No.:** NW3265

Dear Susan Penoyar:

The Washington State Department of Ecology (Ecology) received your request for an opinion on *Selection of Preferred Alternative* letter at the Y Pay Mor Drycleaner facility (Site). In that letter you requested that Ecology provide an opinion on Sound Transit's proposed cleanup action. In addition, you requested Ecology provide "approval" of certain activities otherwise prohibited by the 1995 and 1998 restrictive covenants on the Property, and a change in the restricted area identified under the restrictive covenants. Ecology will provide an answer regarding the restrictive covenant request in a separate letter. This letter details Ecology's technical advice and assistance regarding whether your proposed cleanup action will meet the requirements of the Model Toxics Control Act (MTCA). This letter is provided through Ecology's Voluntary Cleanup Program (VCP), under the authority of MTCA, Chapter 70.105D RCW.

### **Issue Presented and Opinion**

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Pursuant to completion of the Interim Action work proposed in *Selection of Preferred Alternative* letter, dated June 19, 2020, is additional work necessary?

**YES. Ecology has determined that additional Site characterization and cleanup is necessary to resolve data gaps and clean up the Site.**

## **Description of the Site**

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This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Tetrachloroethene (PCE) and trichloroethene (TCE) into the Soil.
- PCE, TCE, cis-1,2-dichloroethene (cis-1,2-DCE), and vinyl chloride (VC) into the Ground Water.

In this opinion letter, “Property” refers to one 7.52-acre King County parcel 2423200050. The Property is a former shopping center. “Site” refers to the area that is impacted by the releases from a former dry cleaners (Y Pay Mor Cleaners), which was operated between 1979 and 1994 in a historic “Space A-6” on the northeastern portion of the Property. The Site boundary is not completely defined.

The Property layout of the former shopping center is depicted in **Enclosure A**. Ecology understands the buildings in **Enclosure A** are no longer in place, and the Property is awaiting redevelopment as part of Sound Transit’s Federal Way Transit Center (FWTC).

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site are affected by other sites.

## **Basis for the Opinion**

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This opinion is based on the information contained in the following documents:

1. Sound Transit, *Selection of Preferred Alternative, Y Pay Mor Drycleaner, VCP Project No. NW3265, Federal Way Link Extension Parcel FL-358*, June 19, 2020.
2. O’Neill Service Group, *Technical Memorandum, FL358 – Supplemental Investigation Sound Transit Federal Way Link Extension*, May 22, 2020.
3. Ecology, *Re: Response to Additional Information at the Following Cleanup Site, Y Pay Mor Drycleaner, 2210 S 320<sup>th</sup> Street, Federal Way, Washington, 98003, Facility No. 2518, Cleanup Site ID 3180, VCP Project No NW3265*, April 29, 2020.
4. Sound Transit, *Additional Information, Y Pay Mor Drycleaner, VCP Project No. NW3265*, April 13, 2020.
5. Ecology, *Approval for Supplemental Characterization at the Following Cleanup Site, Y Pay Mor Drycleaner, 2210 S 320<sup>th</sup> Street, Federal Way, Washington, 98003, Facility No. 2518, Cleanup Site ID 3180, VCP Project No NW3265*, April 8, 2020.

6. O'Neill Service Group, *Cleanup Action Plan, Parcels FL-358, FL-361 Federal Way Link Extension Project, 2200 South 320th Street, Federal Way, Washington*, March 11, 2020.
7. Sound Transit, *Phase II Environmental Site Assessment Addendum, Sound Transit – Federal Way Link Extension, Parcel FL-358, 2200 South 320th Street, Federal Way, Washington*, February 18, 2019.
8. Ecology, *Periodic Review, Y Pay Mor Drycleaner, 2210 South 320th, Federal Way, Washington 98003, Facility Site ID 2518, Cleanup Site ID 3180*, September 2018.
9. Sound Transit, *Phase II Environmental Site Assessment Report, Sound Transit – Federal Way Link Extension, Parcels FL358, FL361 and FL363, Sea-tac Plaza Shopping center, 2200 South 320th Street, Federal Way, Washington*, December 19, 2017.
10. Ecology, *Re: Independent Remedial Action, Sea-Tac Plaza/Former Y-Pay-Mor Drycleaner, Space A-6, 2210 S. 320th Street, Federal Way, Washington*, October 22, 1998.
11. Restrictive Covenant, King County Recording No. 199808101434, *Seatac Plaza Corporation, 2210 S 320th Street, Space A-6, Former Y-Pay-Mor Dry Cleaners, Parcel Number 242320-0050-00*, July 24, 1998.
12. AGRA Earth & Environmental, Inc. (AGRA), *Sea-Tac Plaza, Biannual Sampling of Monitoring Well MW-3, Former Y-Pay-Mor Dry Cleaners, Federal Way, Washington*, August 20, 1997.
13. AGRA, *Sea-Tac Plaza, Biannual Sampling of Monitoring Well MW-3, Former Y-Pay-Mor Dry Cleaners, Federal Way, Washington*, February 28, 1997.
14. Restrictive Covenant, King County Recording No. 199510121424, September 21, 1995.
15. AGRA, *Independent remedial Action Report (IRAP), Former Y-Pay-Mor Drycleaners, 2210 S 320th Street, Federal Way, Washington*, December 22, 1994.
16. AGRA, *Remediation System Installation, Former Y-Pay More Dry Cleaners, Federal Way, Washington*, October 1993.
17. AGRA, *Preliminary Remedial Investigation, Former Y-Pay-Mor Drycleaners, Best Shopping Plaza, 2210 320th Street South, Federal Way, Washington*, November 23, 1992.

A number of these documents are accessible in electronic form from the Site <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3180>. The complete records are stored in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by

appointment only. Visit our Public Records Request page <https://www.ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>, to submit a public records request or get more information about the process. If you require assistance with this process, you may contact the Public Records Officer at [publicrecordsofficer@ecy.wa.gov](mailto:publicrecordsofficer@ecy.wa.gov) or 360-407-6040.

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

## **Analysis and Opinion**

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Two restrictive covenants are in place for this Site: a 1998 restrictive covenant (King County Recording No. 199808101434), and a 1995 restrictive covenant (King County Recording No. 199510121424). The 1998 restrictive covenant is attached to Ecology's opinion letter (determination of No Further Action) dated October 22, 1998.

As the holder of the restrictive covenants, Ecology issued an *Approval for Supplemental Characterization* letter on April 8, 2020. This letter approved activities which would otherwise be prohibited under the terms of the covenants. The April 8, 2020 letter approved activities necessary to supplement Site characterization to delineate the soil and ground water contamination at the Site.

Sound Transit conducted the supplemental Site characterization in May and June 2020, and submitted the *Selection of Preferred Alternative* letter, dated June 19, 2020. The letter includes the following:

- Soil and ground water characterization data collected in May and June 2020.
- A Conceptual Site Model (CSM) based on existing Site characterization data.
- A summary of the proposed interim action and a request for approval on the interim action under the restrictive covenants.
- A preliminary selection of cleanup alternatives and a request for opinion on the cleanup action.
- A request for change of restricted area under the restrictive covenants.

A Site plan showing the soil and ground water sampling locations is included in **Enclosure B**. A ground water contour map is included in **Enclosure C**. A map showing the proposed interim action is included in **Enclosure D**.

Ecology will address the restrictive covenant request in a separate letter. Below is Ecology's comments on your Site characterization and cleanup:

1. While the existing Site characterization and CSM provided important information on the nature and extent of the contamination, additional characterization, including installing permanent monitoring wells, is needed for a complete remedial investigation (RI) to meet the requirements of MTCA.

- Ecology concurs with the two source areas for halogenated volatile organic compounds (HVOC) contamination identified in the CSM.
  - The first source area is beneath the former dry cleaning equipment on the western portion of the former dry cleaner suite, where two spills of PCE product and PCE-containing waste reportedly occurred in 1991 (1991 Spill Area).
  - The second source area is north of the former dry cleaner suite, where the back door, a loading dock, and the former parking lot storm drain were located (North of the Building Area).
- The lateral extent of the soil contamination appears to be delineated. The contaminated soil is defined to the north by soil boring B14, to the south by soil boring B9, to the east by soil borings B1 and B4, and monitoring wells MW1 and MW2, and to the west by soil borings B11, B13, and B15.
- The vertical extent of soil contamination is not completely defined in some locations.
  - The vertical extent of soil contamination in the 1991 Spill Area appears to be delineated. The contaminated soil in this area appears to be limited to a depth of 7 feet below ground surface (bgs).
  - The vertical extent of soil contamination in the North of the Building Area was not confirmed in test pit PH7, where the highest PCE concentration in soil was detected at 9 to 10 feet bgs. But the vertical extent was defined at a nearby boring location B-12, which appears to extend to a depth between 25 and 30 feet bgs.
  - Soil contamination was also confirmed in soil boring B5 at 20 and 25 feet bgs, located between the two source areas. The vertical extent of the contamination in this soil boring was not confirmed. This soil contamination may be isolated based on the soil data from a nearby soil boring B10.
- The ground water flow direction and extent of the HVOC-contaminated ground water plume was evaluated by temporary monitoring wells. Permanent monitoring wells are needed to confirm the ground water condition.
  - Ground water was sampled twice from former monitoring wells FL358-MW1 through FL358-MW4, and YPayMor-MW-3 in October 2017 and April 2020. Ground water was sampled once from temporary monitoring wells installed in soil borings B3 through B7, B11, and B13 through B15 in May or June 2020.

- The ground water samples collected from soil borings B3, B5, B6, and B7 contained concentrations of PCE, TCE, cis-1,2-DCE, and/or VC above the MTCA Method A ground water cleanup levels.
  - Based on the depth to water measurement in April through June 2020, ground water appears to flow to the southwest. Permanent monitoring wells are needed to verify the ground water flow direction at the Site.
  - Based on the ground water sampling data in 2019 and 2020, the HVOC-contaminated ground water plume appears to be delineated. However, these data points were only sampled once or twice. Permanent monitoring wells are needed to verify the plume extent. Eight consecutive quarters of analytical data below the MTCA Method A ground water cleanup level is needed to demonstrate compliance for a monitoring well.
2. The proposed interim action and clean fill placement across the Site surface will meet the requirements of MTCA. *However*, this is an **interim action** and is only a partial cleanup of the site. Additional work is necessary for the Site cleanup to be complete.
- Based on existing Site characterization, Ecology concurs that the interim action proposed in the *Selection of Preferred Alternative* letter can remove the readily-accessible source of contamination and provide partial cleanup of the Site.
    - The proposed interim action includes hot spot excavation in the 1991 Spill Area and North of the Building Area. Both excavations will remove the HVOC-contaminated soil to 8 to 10 feet bgs. The excavations will extend until lateral confirmation samples are less than the MTCA Method A soil cleanup levels.
    - The interim action is anticipated to remove the HVOC-contaminated soil in the 1991 Spill Area, and the upper 10-foot of the HVOC-contaminated soil in the North of the Building Area.
  - The proposal to place approximately 15 additional feet of clean fill across the entire Property after the interim action is also acceptable under MTCA. Ecology recognizes the fill placement is a critical step to keep the FWTC construction on schedule.
3. Ecology requests a complete RI and feasibility study (RI/FS) before it can issue a determination letter on a selected cleanup action.
- Ecology appreciates the preliminary evaluation of cleanup alternatives. However, the existing Site characterization and preliminary evaluation are not sufficient for Ecology to determine if the final cleanup action you proposed meets the MTCA requirement. A complete RI/FS should be submitted after the interim action and fill placement.

- A complete RI requires additional Site characterization, which may be completed after the interim action and fill placement. The additional characterization should include vertical delineation of residual soil contamination, installation of permanent monitoring wells, and ground water monitoring.
- The FS should include a disproportionate cost analysis (DCA). Ecology recognizes the fill placement may increase the cleanup cost due to the additional material above the contamination and depth to ground water. The additional cost caused by the fill placement should not be included in the DCA when evaluating the feasibility of an in-situ cleanup alternative.
- The cleanup action selected for the Site must meet the minimum requirements in WAC 173-340-360(2), through completion of a FS/DCA. For example, it is Ecology's opinion that the 25-year restoration timeframe for Alternative 1 in the *Selection of Preferred Alternative* letter does not meet the minimum requirement. An active in-situ cleanup action is likely needed to meet an acceptable restoration timeframe.
- The active cleanup alternatives described in the preliminary evaluation were all comprised of thermal treatment. Ecology requests assessment of additional feasible technologies in the FS, such as in situ chemical oxidation (ISCO).

## **Limitations of the Opinion**

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### **1. Opinion does not settle liability with the state.**

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

### **2. Opinion does not constitute a determination of substantial equivalence.**

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

**3. State is immune from liability.**

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.180.

**Contact Information**

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Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me by phone at 425-649-7109 or by email at [jing.song@ecy.wa.gov](mailto:jing.song@ecy.wa.gov).

Sincerely,



Jing Song  
Site Manager  
NWRO Toxics Cleanup Program

Enclosures (4):   A – Former Property Layout  
                          B – Site Plan  
                          C – Ground Water Contour Map  
                          D – Summary of Interim Action

ecc:   Tricia DeOme, GeoEngineers, Inc.  
      Ivy Anderson, Assistant Attorney General  
      Louise Bardy, Ecology Toxics Cleanup Program  
      Ecology Periodic Review Site File



## **Enclosure A**

### **Former Property Layout**

# Former Property Layout



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 4/22/2020

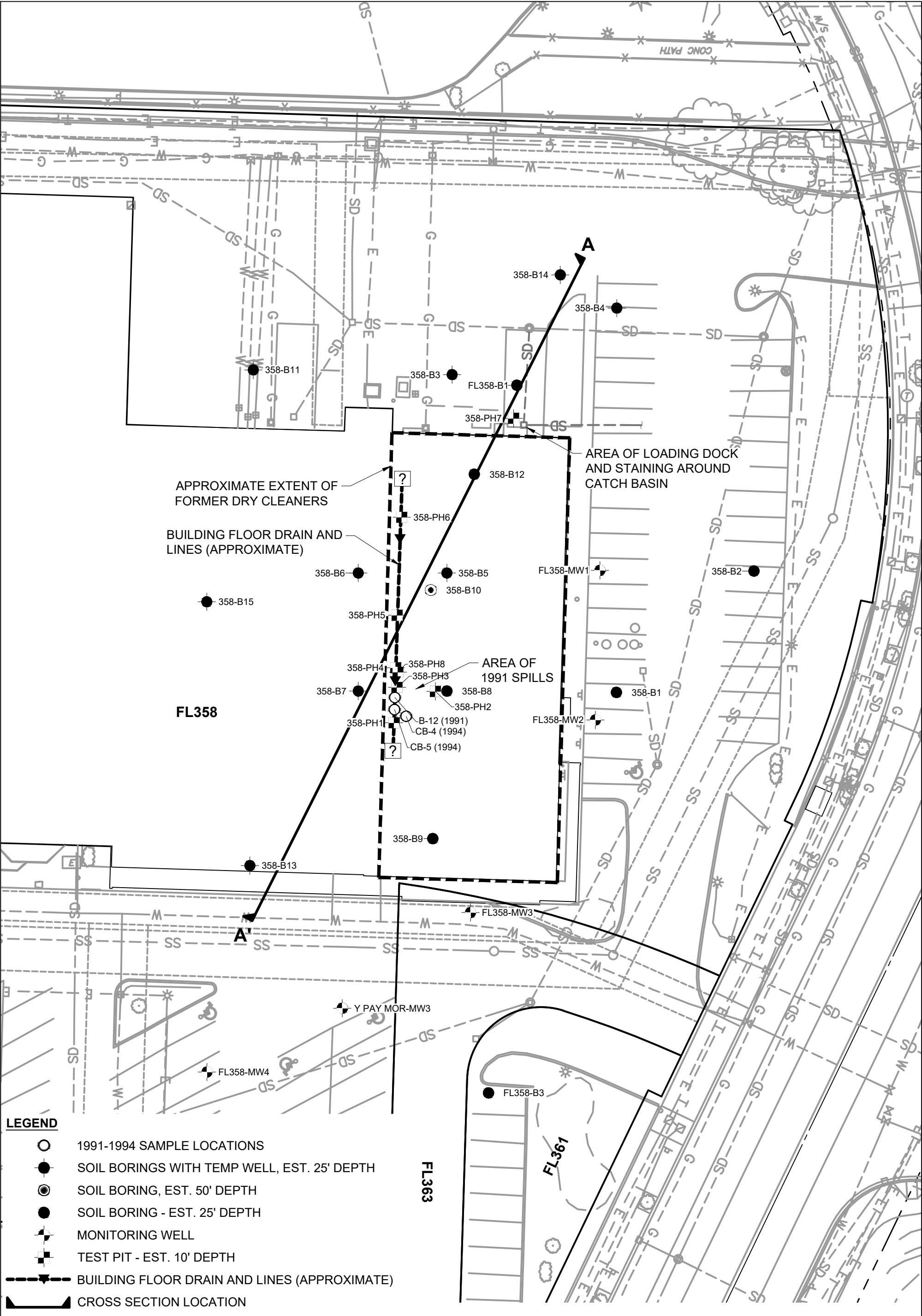
Department of Ecology



**King County**

# **Enclosure B**

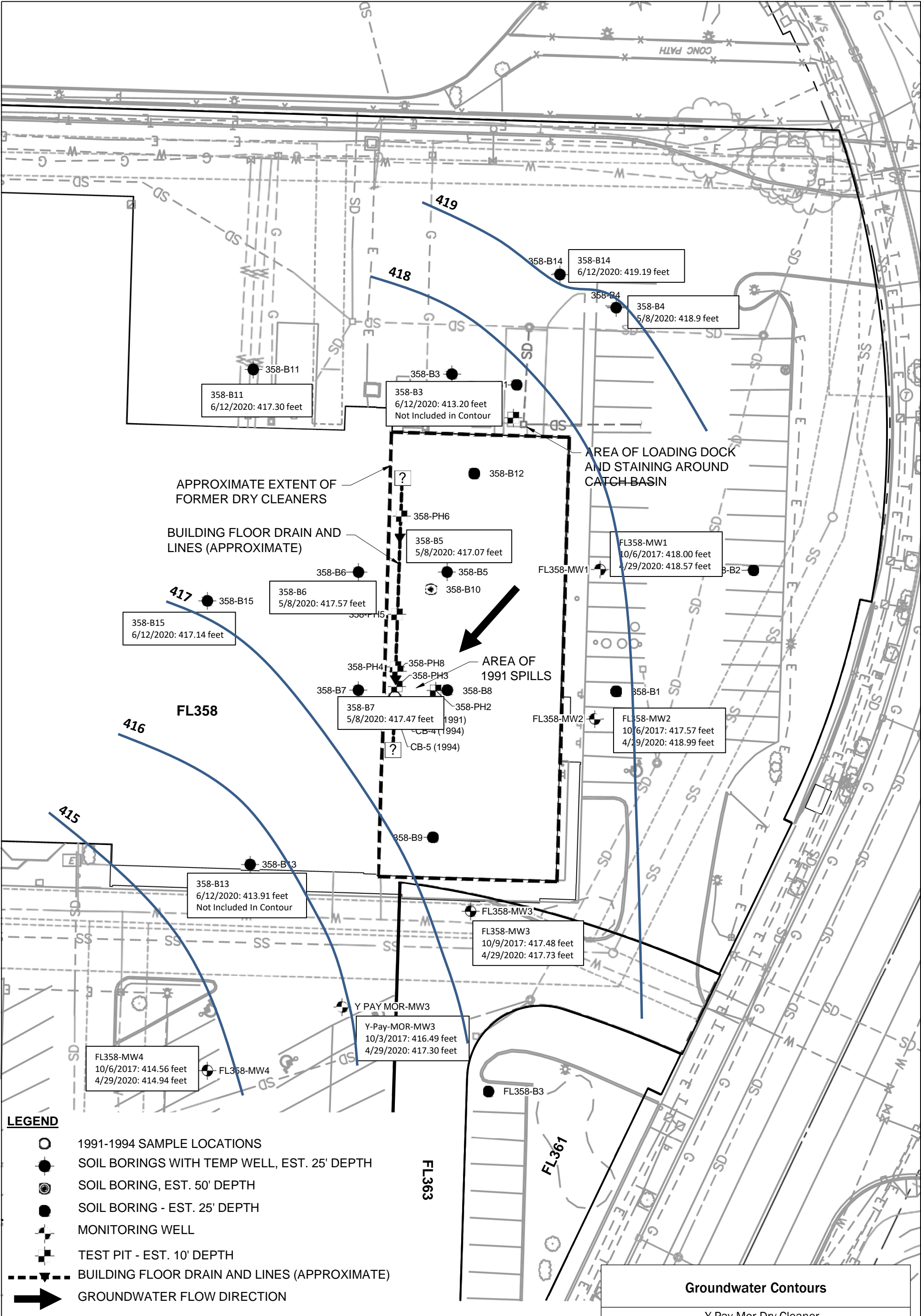
## **Site Plan**



## **Enclosure C**

### **Ground Water Contour Map**





LEGEND

- 1991-1994 SAMPLE LOCATIONS
- SOIL BORINGS WITH TEMP WELL, EST. 25' DEPTH
- ⊙ SOIL BORING, EST. 50' DEPTH
- SOIL BORING - EST. 25' DEPTH
- ⊙ MONITORING WELL
- ⊙ TEST PIT - EST. 10' DEPTH
- - - BUILDING FLOOR DRAIN AND LINES (APPROXIMATE)
- ➔ GROUNDWATER FLOW DIRECTION

Notes:

1. The locations of all features shown are approximate.  
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.  
Data Reference: Background obtained from O'Neill Service Group Figure 7. Elevations obtained from O'Neill Service Group Table 2.  
Vertical Datum North American Vertical Datum of 1988).

Groundwater Contours

Y Pay Mor Dry Cleaner  
Federal Way Link Extension Project  
Federal Way, Washington



Figure 6

## **Enclosure D**

### **Summary of Interim Action**

