



State of Washington  
POLLUTION LIABILITY INSURANCE AGENCY  
*PO Box 40930 • Olympia, Washington 98504-0930*  
*(360) 407-0520 • (800) 822-3905*  
*www.plia.wa.gov*

July 13, 2022

Mr. Paul Ramey  
215 West Bandera Road, #114-712  
Boerne, Texas 78006

**Re: No Further Action at Property associated with a Site:**

- **Name:** Ramey Property
- **Property Address:** 4301 11<sup>th</sup> Avenue NE, Seattle, WA 98105
- **TAP Project No.:** 985

Dear Mr. Ramey:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on your independent cleanup of the Ramey Property (Site) by Urban Environmental Partners, LLC (UEP) under the Technical Assistance Program (TAP).

This letter provides our opinion. We are providing this opinion under the authority of the Petroleum Storage Tank Systems – Pollution Liability Protection Act Chapter 70A.330 RCW and the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

**Issue Presented and Opinion**

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**Please Note – The “Site” refers to the entire area where contamination is known to exist, regardless of property boundaries. “Property” refers to an individual tax parcel. Any tax parcel with an area of contamination is considered a part of the “Site”. The Site (contaminated areas) exists on more than one tax parcel. The contaminated areas on each tax parcel comprise the overall Site. These contaminated areas are defined herein by data and indicated on figures.**

1. Is further remedial action necessary at the Property to clean up contamination associated with the Site?

**No. PLIA has determined that no further remedial action is necessary at the Property to clean up contamination associated with the Site.**

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2. Is further remedial action still necessary elsewhere at the Site?

**Yes. PLIA has determined that further remedial action is still necessary elsewhere at the Site.**

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC (collectively “substantive requirements of MTCA”). The analysis is provided below.

### **Description of the Property and the Site**

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This opinion applies only to the Site located on 4301 11<sup>th</sup> Avenue NE, Seattle, WA 98105 and comprises one King County tax parcel described below. This opinion does not apply to any other Sites that may affect the Property. Any such sites, if known, are identified separately below.

#### **1. Description of the Property:**

The **Affected** Property located at 4301 11<sup>th</sup> Avenue NE, Seattle, WA 98105 includes the following tax parcel in King County and will be addressed by your cleanup (Fig. 1 & 2):

- Tax Parcel No.: **1142000580**

**Enclosure A** includes a Legal Description of the Property.

The **Source** Property located at 4300 Roosevelt Way NE, Seattle, WA 98105 includes the following tax parcel in King County **and will not be addressed by your cleanup** (Fig. 2):

- Tax Parcel No.: **1142000550**

#### **2. Description of the Site:**

The Tax Parcel No. **1142000580** (an Affected Property) to the south makes up a portion of the Site, which includes to the north, Tax Parcel No. **1142000550** (the Source Property), and Tax Parcels No. **1142000530** and Tax Parcel **1142000575** (both are Affected Properties) to the northwest and west, respectively. The Site is defined by the nature and extent of contamination associated with the following release (Fig. 2):

- Total petroleum hydrocarbons in the diesel and oil range (TPH-d and TPH-o) and potential associated naphthalenes into the soil/groundwater/air-vapor.

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**Enclosure A** includes a diagram of the Site that illustrates the location of the Property within the overall Site.

**3. Identification of other sites that may affect the Property.**

- Please note, a parcel of real property can be affected by multiple sites. At this time, we have information that the property (Tax Parcel No.: **1142000580**) was affected by the Source Property (Tax Parcel No. **1142000550**).

**Enclosure A** includes a diagram of the Site, as currently known to PLIA.

**Basis for the Opinion**

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

1. *Recorded Environmental Covenant* – Ramey Development, LLC. Received on April 4, 2022.
2. *Ramey HOTAP 985 - Figures with Soil Gas Sample Locations and Data-Calcs 8-3-20*. Prepared by Urban Environmental Partners, LLC. Received on August 8, 2020.
3. *Vapor Intrusion Assessment – Soil Gas Sampling Work Plan*. Prepared by Urban Environmental Partners, LLC on May 5, 2020.
4. *Site Cleanup Report – Ramey Property at 4301 11<sup>th</sup> Avenue Northeast, Seattle, Washington, 98105*. Prepared by Urban Environmental Partners, LLC on February 24, 2020.
5. *4301-11<sup>th</sup>-Ave.-NE-Maps*. Ramey Property at 4301 11<sup>th</sup> Ave. NE, Seattle WA by Urban Environmental Partners, LLC. Received on November 1, 2019.
6. *6704086-CN Approved permit set all dwgs*. Prepared by Urban Environmental Partners, LLC. Received on October 14, 2019.
7. *Figure 2 - PCS Slot Cut Excavation and Backfill Plan*. Prepared by Urban Environmental Partners, LLC. Received on October 14, 2019.
8. *Phase II Environmental Site Assessment – Ramey Property, 4301 11<sup>th</sup> Avene Northeast, Seattle, Washington*. Prepared by Urban Environmental Partners, LLC on March 12, 2019.
9. *RE: Proposal for Remediation Design and Construction at Ramey Property - 4301 11<sup>th</sup> Avenue Northeast, Seattle Washington*. Prepared by Urban Environmental Partners, LLC on December 6, 2018.

Documents submitted to PLIA are subject to the Public Records Act (Chapter 42.56 RCW). To make a request for public records, please email [pliamail@plia.wa.gov](mailto:pliamail@plia.wa.gov).

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

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## **Analysis of the Cleanup**

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### **1. Cleanup of the Property Located within the Site**

PLIA has concluded that **no further remedial action** is necessary to cleanup contamination at the Property. That conclusion is based on the following analysis:

#### **a. Characterization of the Site.**

PLIA has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action for the Property. The Site is described above and in Enclosure A.

The Property includes one tax parcel that covers approximately 4,120 square feet of land in Township 25 Northeast/Range 4 East/Section 17 and consists of a paved parking lot. Historical records indicate that a single-family residence occupied the lot but was demolished in 2002. While the Property was historically heated by oil burning furnace, no evidence of a heating oil underground storage tank (UST) was observed on the Property during the subsurface investigation.

The Property is underlain by brown and tan sand, as well as silty sand, to approximately 12' to 13' below ground surface (bgs). Underlying the sand at about 14' bgs, borings and test pits showed a dry, stiff/hard gray silt and clayey silt to the maximum depth of exploration of 21.5' bgs. No groundwater was encountered during the remediation efforts at the Property however groundwater was identified between 31' and 37' bgs at the northwestern property during redevelopment in 1999.

Petroleum contaminated soil (PCS) detected at this Site is associated with a release at the Roosevelt Commons property, 4300 Roosevelt Way NE, Seattle, WA 98105. This release is to the north and northwest of the Ramey Property and was discovered in 2001 during confirmation samples taken from the final extents of the redevelopment excavation along the southern and eastern sidewalls of the Roosevelt Commons Development. This release was not bound to the south or east towards the Ramey Property (Fig. 2). Additionally, soil samples taken at the Ramey Property observed an increase in TPH-d concentrations in soil moving toward the northwestern boundary of the Property, suggesting that the soil contamination has migrated onto the Property from a release located to the north or northwest and did not originate from an on-Property source.

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## Conceptual Site Model (CSM)

### i. Soil (Direct Contact):

The depth and extent of the residual PCS at the Site **above** MTCA Method A cleanup levels (CULs) were detected in the vicinity of soil boring PO2 and PO4 during a Site assessment in 2018 (Fig. 2). Two test pits were then excavated, and additional PCS was identified at the Property extending from the northern Property boundary (TP01 and TP02 in Fig. 2). PCS was detected at the Site **above** the MTCA Method A unrestricted land-use CULs, located between 10' to 17'. This depth is within the depths (0' to 15' bgs) that humans (utility workers and property developers) may come into contact with the PCS.

**Result: The direct contact exposure pathway was a concern at this Site.**

### ii. Groundwater: Depth to groundwater at the Site ranges from 31' to 37' bgs. Groundwater flow is to the southwest (Fig. 2). Groundwater was not encountered during the investigation and remediation of the Property to a maximum depth of 21.5' bgs.

**Result: The soil to groundwater leaching exposure pathway is not a concern at this Site.**

### iii. Vapor Exposure: Building footprints within the lateral inclusion zone of 30' or within a 15' vertical separation distance from the edge of a contaminant source that is above the MTCA Method A unrestricted land use (soil or groundwater) may require vapor assessment/mitigation. The lateral inclusion zones and vertical separations are the areas surrounding a contaminant source through which vapor phase contamination might travel and intrude into buildings (ITRC 2018, EPA 2018, Ecology Draft VI Guidance update 2018).

Residual contamination does not remain at the Ramey Property. However, contamination remains to the north and northwest of the Ramey Property. Potential off-Property contamination poses a threat to the Ramey Property (Fig. 2).

**Result: The vapor exposure pathway was a concern at this Site.**

### iv. Surface water: Portage Bay is located 2,450' south of the Property.

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**Result: The surface water exposure pathway is not a concern at this Site.**

**b. Establishment of cleanup standards.**

PLIA has determined the CULs and points of compliance (POCs) you established for the Site meet the substantive requirements of MTCA.

**i. CULs**

**Table 1. The Contaminants of Concern (COCs) and CULs are:**

Contaminants of Concern (COCs)	Soil Cleanup Level mg/kg (Method A) <u>Un-restricted Land Use</u>	Groundwater Cleanup Level ug/l (Method A)	Sub-slab/soil gas Screening Levels ug/m <sup>3</sup> (Method B SL)	Indoor/Air Cleanup Levels ug/m <sup>3</sup> (Method B CUL)
TPH-d/o	2000	500	-	-
TPH-g	30*/100	800*/1000	-	-
<b>Benzene (carcinogen)</b>	0,03	5	10.7	0.321
Toluene	7	1000	76,000	2290
Ethylbenzene	6	700	15,200	457
Xylenes, -m, -o	9	1000	1,520	45.7
Naphthalene ( <b>carcinogen</b> ) (does <u>not</u> include 1-methyl and 2-methyl naphthalene)	5	160	2.45	0.0735
Total Petroleum Hydrocarbon	-	-	4,700**	140
APH [EC5-8 Aliphatics]	-	-	90,000	2,700
APH [EC9-12 Aliphatics]	-	-	4,700	140
APH [EC9-10 Aromatics]	-	-	6,000	180

\*When benzene is present

\*\* Based on the current attenuation factor of 0.03.

**ii. Points of Compliance. (POC)**

**The proposed POC are:**

**Soil-Direct Contact:** For CULs based on human exposure via direct contact, the standard POC is: "...*throughout the site from the ground surface to fifteen feet below the ground surface.*" This is in compliance

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with WAC 173-340-740(6)(d) and represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of Site development activities.

**Groundwater:** For groundwater, the standard POC as established under WAC 173-340-720(8) is: “...*throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the site.*”

**Vapor:** CULs need to be attained in the ambient air throughout the Site, including indoor air (WAC 173-340-750[6]).

**Surface Water:** For Properties abutting surface water, WAC 173-340-720(8)(i), the groundwater cleanup level is based on protection of surface water beneficial uses and a CPOC is set as close as technically possible to the point or points where groundwater flows into the surface water.

**c. Past Remedial Activity**

PLIA has determined past remedial actions conducted at the Site **have been sufficient** to meet Site CULs at the POC.

**2001 Roosevelt Commons Development:** According to a GeoEngineers Report entitled *Petroleum Contaminated Soil Removal, Roosevelt Commons*, March 25, 2002, concentrations of TPH-d above MTCA Method A CULs were detected in several samples collected from the final extents of the redevelopment excavation along the southern and eastern sidewalls of the Roosevelt Commons Development, along the boundary with the Stoughton Property. Sample locations and soil data for these detections are depicted on Fig. 2.

**2018 Subsurface Investigation:** SoundEarth performed a subsurface investigation in July 2018 and a supplemental subsurface investigation in September 2018. A total of nine direct-push borings (P01 through P09) were advanced along with five hollow-stem auger borings (B01 through B05). Boring B05 encountered a concrete utility vault at 2.5' bgs and was not advanced beyond this depth. Additionally, two test pits (TP01 and TP02) were excavated on the western portion of the Property to evaluate the extent of contamination (Fig. 2). Soil samples were collected from the bottoms and sidewalls of the excavations. Samples were analyzed for TPH-d, TPH-o and heavy metals. Groundwater was not encountered during excavation.

**2019 Excavation:** Eight slot-cut excavations were implemented at the Property boundaries to ensure stability of neighboring structures as well as a

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larger excavation towards the interior of the Ramey Property. The final excavation limits were 13' from north to south, 45' from east to west, and extended 15' bgs. A total of 275 tons of PCS were removed from the Site. A total of 23 soil samples were collected at the excavation sidewalls and bottom. A 30-mil thick, linear-low density polyethylene (LLDPE) manufactured by SOLMAX was installed along the property boundary as an engineering control to ensure off-Property impacts would not migrate back onto the Ramey Property (Figs. 2 & 3). All confirmation samples were below MTCA Method A CULs.

**2020 Vapor Assessment of Engineering Control:** In June 2020, UEP completed one vapor assessment at two soil-gas sample locations at the Ramey Property (SV-1 and SV-2, Fig. 3, Table A-3). Samples were analyzed and results were below the applicable vapor intrusion Site CULs (MTCA Method B).

**d. Selection of cleanup action for the Property.**

PLIA has determined the cleanup action you selected for the Property, meets the substantive requirements of MTCA.

- Characterized the PCS within the Ramey Property based on historical evidence and analytical data.
- Excavation and removal of about 275 tons of PCS at the Ramey Property.
- Conducted confirmation soil sampling to confirm effectiveness of the remedial action.
- Conducted petroleum vapor intrusion (PVI) assessment: one round of soil-gas vapor assessment.
- Developed a Vapor Confirmation Monitoring and Contingency Plan (**Enclosure C**).
- Developed a PLIA-Approved Engineering Inspection Checklist (**Enclosure D**).
- Filed environmental covenant No. 20220331001327 dated March 31, 2022, with King County for tax parcel No. 114200-0580 to implement institutional controls to address inaccessible residuals (**Enclosure B**).
- Sort Comments from Land Planning & Development Authority on the Draft Covenant (**Enclosure E**).

**e. Cleanup of the Property.**

PLIA has determined the cleanup action you performed meets the substantive requirements of MTCA and meets CULs at the POC.



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**i. Soil-Direct Contact Exposure Pathway:**

The soil cleanup action included:

- **Excavation:** Slot-cut and mass excavation and removal of 275 tons of PCS. Twenty-three confirmation samples were below MTCA Method A CULs (Fig. 3). LLDPE was installed along the Property boundary as an engineering control to ensure off-Property impacts would not migrate back onto the Ramey Property (Figs. 2 & 3). The excavation area and engineering control were then capped in an asphalt parking lot. Residual contamination remains at the Property boundary of the Roosevelt Commons properties to the north and northwest with potential to migrate back towards the Ramey Property. The impermeable engineering control along the northwest of the Ramey Property boundary is intended to mitigate the threat from off-Property sources.
- **Environmental Covenant:** Filed environmental covenant No. 20220331001327 on 03/31/2022 with King County for tax parcel **1142000580** to implement institutional controls to address inaccessible residuals and engineered controls capped beneath asphalt for potential vapor intrusion concerns (**Enclosure B**).
- **Inspection:** Developed a PLIA-Approved Engineering Inspection Checklist to support the Institutional Controls at the Property (**Enclosure D**) pending the 5-Year Review per WAC 173-340-440(1)(c).

**Result: The soil-direct contact exposure pathway is no longer a concern at this Site.**

**Vapor Exposure:** An initial soil-gas vapor assessment was completed at the Ramey Property in June 2020. Results were below Site CULs (MTCA Method B) (Fig. 3, Table A-3).

- **Engineered Control:** The impermeable engineering control along the northwest of the Ramey Property boundary is designed to mitigate the vapor threat from off-Property sources.
- **Confirmation Monitoring:** Post-cleanup confirmation vapor monitoring is needed to ensure the long-term effectiveness of the remedial action to protect human health and the environment at the Ramey Property pending the 5-Year Review per WAC 173-340-410(c). A **Vapor Confirmation Monitoring Contingency Plan** approved by PLIA as part of the Institutional Control for the Property is attached to this No Further Action (NFA) determination as **Enclosure C**.

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- **Environmental Covenant:** The Institutional Controls will be managed through environmental covenant (**Enclosure B**) No. 20220331001327 dated 03/31/2022 filed with King County for Tax Parcel No. 1142000580.

**Result: The vapor exposure pathway is no longer a concern at this Site.**

**This determination is dependent on continued performance and effectiveness of the post-cleanup controls and monitoring, as specified below.**

## **2. Cleanup of the Designated Site.**

PLIA has concluded that **further remedial action** under MTCA is still necessary elsewhere at the Site (“Source and other Affected Properties”). In other words, while your cleanup constitutes the final action for your Property, it constitutes only an “**interim action**” for the overall Site, as was previously defined herein.

## **Post-Cleanup Controls and Monitoring**

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Post-cleanup controls and monitoring are remedial actions performed after the cleanup to determine continued compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

### **1. Compliance with institutional controls.**

Institutional controls prohibit or limit activities that may interfere with the integrity of the **engineered controls** or result in exposure to hazardous substances. The following institutional controls are necessary at the Property:

- No digging or drilling at the northwest property boundary (Figs. 2, 3 & 4) as it acts as a cap to the engineering control left behind after the cleanup action.
- The asphalt cap shall be inspected for cracks and repairs using the PLIA-approved Engineered Control Inspection Checklist (**Enclosure D**).
- Conduct Confirmation Vapor monitoring as outlined in the Confirmation Monitoring and Contingency Plan pending the 5-Year Review (**Enclosure C**).

To implement these controls, **environmental covenant** – No. 20220331001327 dated 03/31/2022 was filed with King County, WA (**Enclosure B**) for:

- Tax Parcel No.: 1142000580

PLIA approved the recorded Environmental Covenant that is attached to this NFA determination as **Enclosure B**.

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### 3. Operation and maintenance of engineered controls.

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. The following engineered controls are necessary at the Property:

- An engineered control in the form of a 30-mil thick, LLDPE, installed along the Property boundary from the ground surface to 15' bgs.
- Periodic inspections to ensure the integrity of the asphalt cap that confines the LLDPE forming the barrier that limits the residual PCS and associated vapor from entering this Property, as part of the cleanup action.

PLIA approved the Engineered Control Inspection Checklist attached to this NFA determination as **Enclosure D**.

### 4. Performance of Vapor Confirmational Monitoring and Contingency.

Confirmational vapor monitoring is necessary at this Property to confirm the long-term effectiveness of the cleanup action. The monitoring data will be used by PLIA during periodic reviews of post-cleanup conditions.

The following vapor probe location, SV-1 (Fig. 3) makes up the vapor confirmation monitoring program regime for this Property. PLIA approved the vapor POC for this Site depicting its various functions as presented in Table 2, below.

**Table 2 - Confirmation Vapor Probe and Functions**

Monitoring Vapor ID	Function	Comments
SV-1	CPOC	Within inclusion zone of residual contamination; Basis for Site Closure/Re- opening (NFA Rescission)

Table 3 below outlines the frequency for the confirmation monitoring regime governing the institutional control at this Site. Failure to conduct the necessary inspection, vapor monitoring and maintenance of the engineered controls and reporting is sufficient basis to rescind this NFA determination. PLIA approved this monitoring frequency and duration.

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**Table 3 - Frequency and Duration for the Confirmation Sampling Pending the 5-Year Review**

2022	2023	2024	2025	2026	2027
- (2020) First Soil-gas Performance Sampling Completed: Basis for NFA  - Complete Second Soil-gas Performance Sampling Event (4th Quarter to Finish Performance Assessment)	- Begin Annual Inspection and Maintenance  - Submit Report to PLIA	- Begin Semi-Annual Soil-gas Air Sampling (1st and 3rd Quarters)  - Continue Annual Inspection and Maintenance  - Submit Report to PLIA	- Continue Annual Inspection and Maintenance  - Submit Report to PLIA	- Continue Semi-Annual Soil-gas Air Sampling (1st and 3rd Quarters)  - Continue Annual Inspection and Maintenance  - Submit Report to PLIA	- PLIA conducts 5-Year Review; Assesses need for Sampling Reduction, Cessation, or Continuation; or Contingency for Further Action  - Contingency may occur during any period of monitoring

**Contingency Plan**

In the event that the COC concentrations for the sample collected from the soil-gas vapor assessment (SV-1) indicates TPH constituents above MTCA Method B for vapor intrusion, and resampling, confirms the exceedance, PLIA must approve a contingency action before it is implemented. The approval of a contingency work plan is an NFA “re-opener and rescission” pending completion of further action. After groundwater/vapor mitigation efforts are completed under the contingency plan, performance groundwater/vapor monitoring for four (4) consecutive quarters of groundwater sampling or two (2) consecutive semi-annual air quality sampling events must be conducted to demonstrate compliance and to support re-issuance of the NFA, pending the next 5-Year Review.

**Reporting and Record Keeping**

Outcome of all records associated with vapor monitoring, Inspections and Repairs, etc., associated with this Operation and Maintenance (O&M) Program under these institutional controls must be sent to PLIA within 30 days of finalizing the records.

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## **Periodic Review of Post-Cleanup Conditions**

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PLIA will conduct periodic reviews of post-cleanup conditions at the Property to ensure that they remain protective of human health and the environment. If we conduct a periodic review and determine further remedial action is necessary, then we will rescind the NFA determination made at this Property.

## **Listing of the Site**

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Based on this opinion, Ecology will update the status of remedial action at the Site in their database of hazardous waste sites. However, because further remedial action is still necessary elsewhere at the Site, Ecology will not remove the entire Site from the lists of hazardous waste sites. **Furthermore, the Property will remain listed as part of the Site** because the cleanup of the Property does not change the boundaries of the Site.

## **Limitations of the Opinion**

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

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

- Change the boundaries of the Site.
- 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 the Office of the Attorney General and the Department of Ecology under RCW 70A.305.040(4).

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

To recover remedial action costs from other liable persons under the 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 equivalent. Courts make that determination (RCW 70A.305.080 and WAC 173-340-545).

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

The state, PLIA, 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.

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## **Termination of Agreement**

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Thank you for choosing to cleanup your Property under the PLIA Technical Assistance Program (TAP). This opinion terminates the TAP 985 Agreement governing the Ramey Property Site.

## **Contact Information**

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If you have any questions about this opinion, please contact me by phone at 1-800-822-3905, or by email at [tyler.betz@plia.wa.gov](mailto:tyler.betz@plia.wa.gov).

Sincerely,

DocuSigned by:  
  
0894A2B78762413...

Tyler Betz  
Hydrogeologist 1

Enclosure A: Fig. 1: Site Vicinity Map  
Fig. 2: Parcel Identification Map  
Fig. 3: Site Map  
Fig. 4: Excavation Map with Soil-gas Assessment Locations  
Fig. 5: Cross Section N-S

Table A-1: Soil Analytical Results  
Table A-2: Soil Confirmation Sampling Analytical Results  
Table A-3: Vapor Assessment Analytical Results

Enclosure B: Covenant  
Enclosure C: Confirmation Vapor Monitoring and Contingency Plan  
Enclosure D: PLIA Inspection Checklist  
Enclosure E: Comments from Land Planning & Development Authority

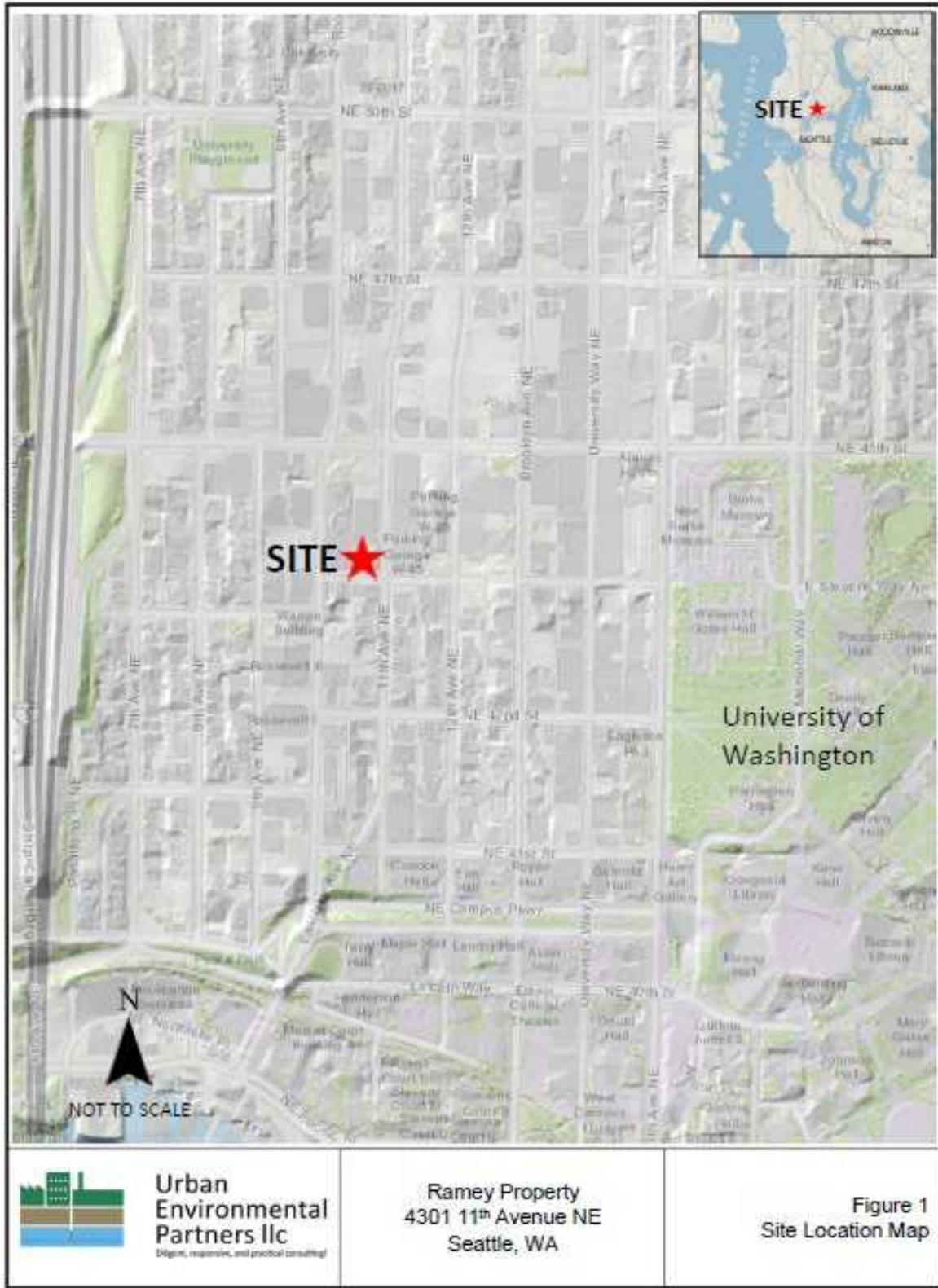
cc: Mr. Roy Kuroiwa, UEP (email only)  
Ms. Kristin Evered, PLIA (email only)  
Ms. Carrie Pederson, PLIA (email only)

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**Enclosure A**  
**Ramey Property Site**  
**TAP Project No. 985**

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**Fig. 1: Site Vicinity Map**

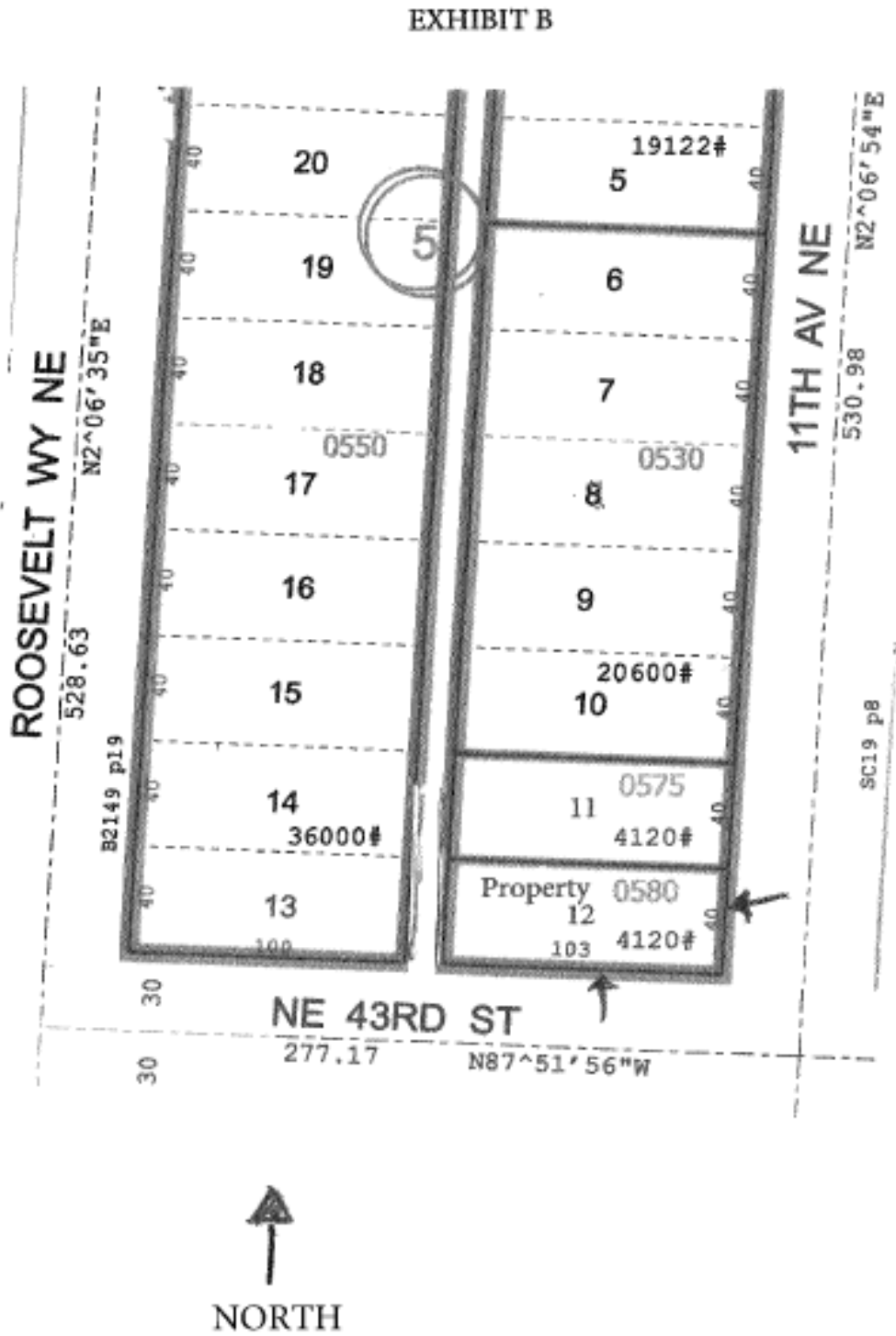


Source: Vapor Intrusion Assessment – Soil Gas Sampling Work Plan. Urban Environmental Partners, LLC., May 5, 2020.



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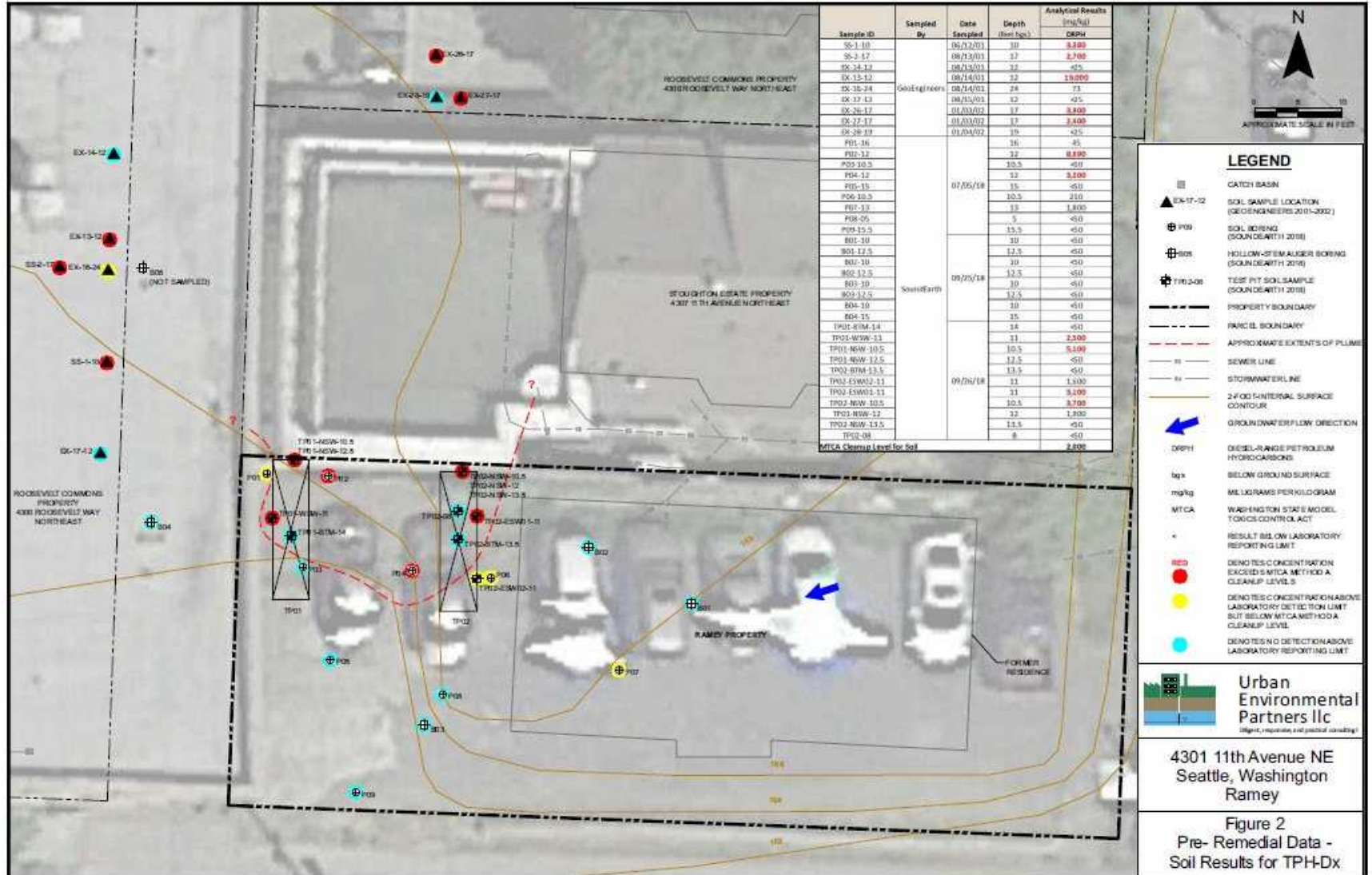
### Fig. 2: Parcel Identification Map



Source: *Recorded Environmental Covenant*, April 4, 2022.

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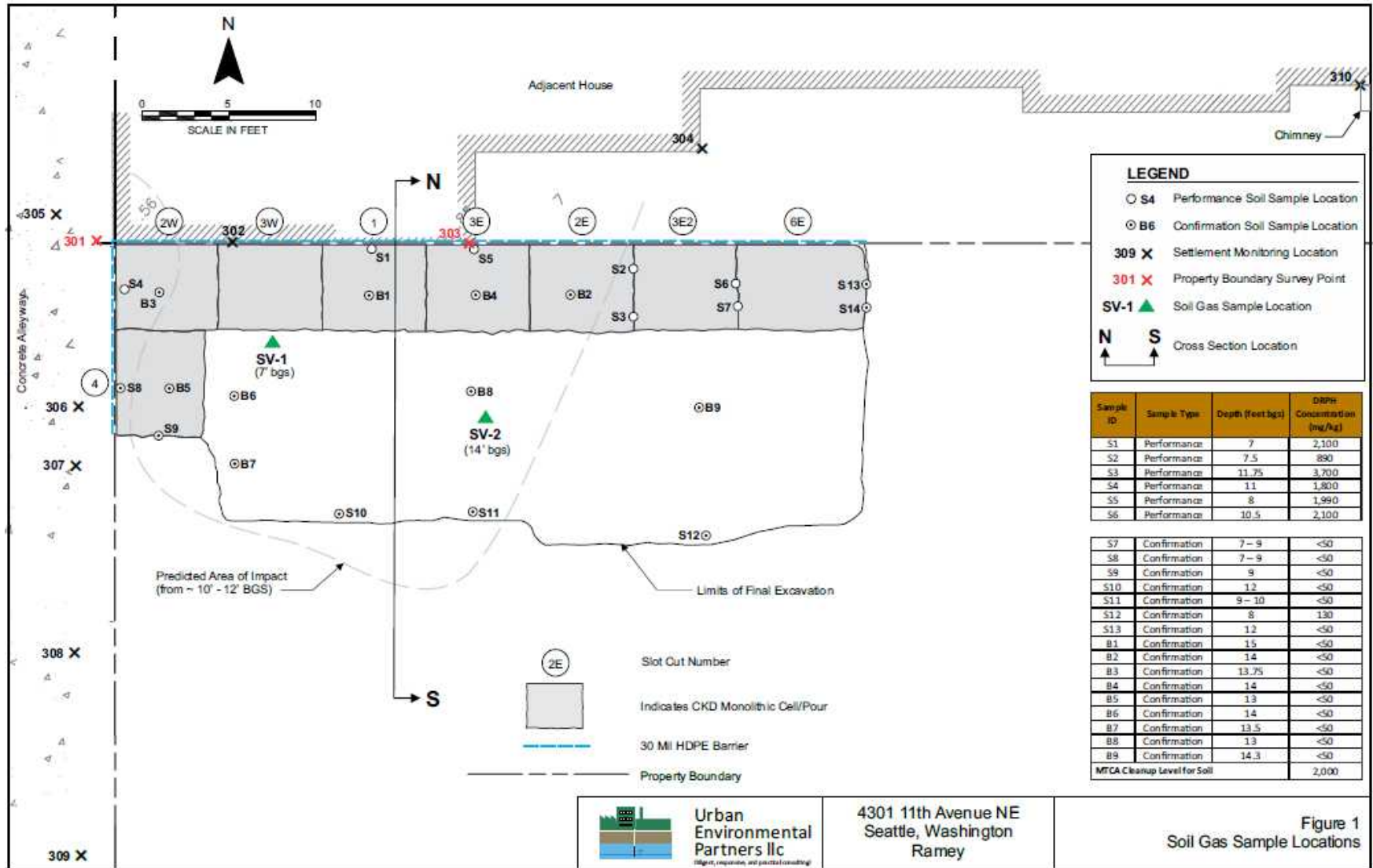
**Fig. 3: Site Map**



Source: Vapor Intrusion Assessment – Soil Gas Sampling Work Plan. Urban Environmental Partners, LLC., May 5, 2020.

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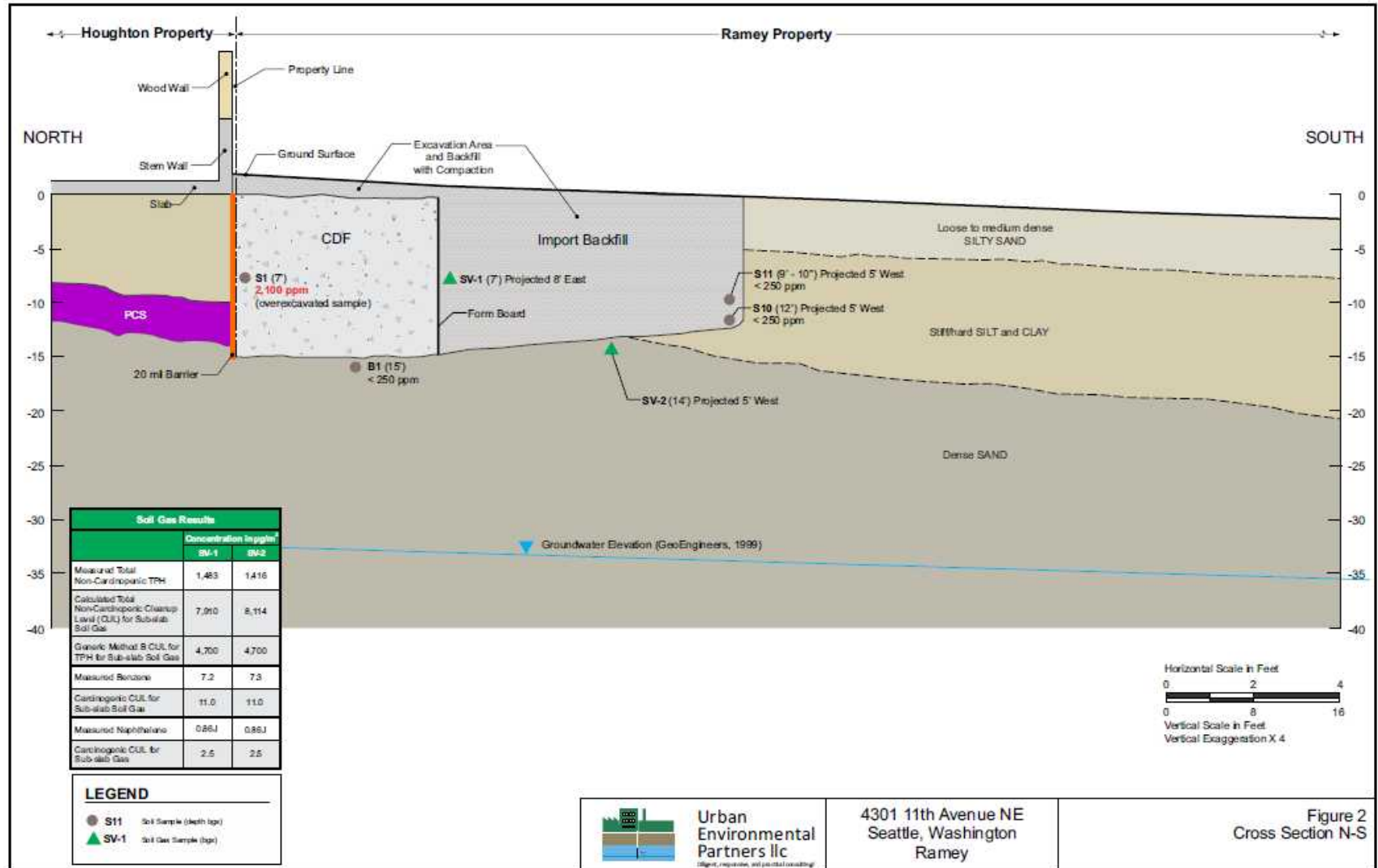
**Fig. 4: Excavation Map with Soil-gas Assessment Locations**



Source: Ramey HOTAP 985 - Figures with Soil Gas Sample Locations and Data-Calcs 8-3-20. Urban Environmental Partners, LLC., August 8, 2020.

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**Fig. 5: Cross Section N-S**



Source: Ramey HOTAP 985 - Figures with Soil Gas Sample Locations and Data-Calcs 8-3-20. Urban Environmental Partners, LLC., August 8, 2020.



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## Table A-1: Soil Analytical Results



Table 1  
 Soil Analytical Results for DRPH and ORPH  
 Ramey Property  
 4301 11th Avenue Northeast  
 Seattle, Washington

Sample Location	Sample ID	Sampled By	Date Sampled	Depth (feet bgs)	Analytical Results (milligrams per kilogram)		
					DRPH <sup>(1)</sup>	ORPH <sup>(1)</sup>	
SS-1-10	SS-1-10	GeoEngineers	06/12/01	10	3,380	<125	
SS-2-17	SS-2-17		08/13/01	17	2,700	<250	
EX-14-12	EX-14-12			12	<25	<50	
EX-13-12	EX-13-12			12	15,000	<1,000	
EX-16-24	EX-16-24		08/14/01	24	73	<50	
EX-17-12	EX-17-12			08/15/01	12	<25	<50
EX-26-17	EX-26-17			01/03/02	17	3,900	<500
EX-27-17	EX-27-17				17	2,400	<500
EX-28-19	EX-28-19			01/04/02	19	<25	<50
P01*	P01-16	SoundEarth	07/05/18	16	45.0	<50	
P02*	P02-12			12	8,600	<875	
P03	P03-10.5			10.5	<50	<250	
P04	P04-12			12	3,200	<250	
P05	P05-15			15	<50	<250	
P06	P06-10.5			10.5	210	<250	
P07	P07-13			13	1,800	<250	
P08	P08-05			5	<50	<250	
P09	P09-15.5			15.5	<50	<250	
B01	B01-10		09/25/18	10	<50	<250	
	B01-12.5			12.5	<50	<250	
B02	B02-10			10	<50	<250	
	B02-12.5			12.5	<50	<250	
B03	B03-10			10	<50	<250	
	B03-12.5			12.5	<50	<250	
B04	B04-10			10	<50	<250	
	B04-15			15	<50	<250	
TP01	TP01-BTM-14			09/26/18	14	<50	<250
	TP01-WSW-11		11		2,500	<250	
	TP01-NSW-10.5		10.5		5,100	<250	
	TP01-NSW-12.5		12.5		<50	<250	
TP02	TP02-BTM-13.5		13.5		<50	<250	
	TP02-ESW02-11		11		1,600	<250	
	TP02-ESW01-11		11		3,100	<250	
	TP02-NSW-10.5		10.5		3,700	<250	
	TP01-NSW-12		12		1,900	<250	
	TP02-NSW-13.5		13.5	<50	<250		
	TP02-08		8'	<50	<250		
MTCA Cleanup Level for Soil <sup>(2)</sup>					2,000	2,000	

**NOTES:**

Red denotes concentration exceeds MTCA cleanup level for soil.  
 Sample analyses conducted by Friedman & Bruya, Inc. of Seattle, Washington, except where indicated.  
 \*Sample analyses conducted by Apex Laboratories of Tigard, Oregon.  
<sup>(1)</sup>Analyzed by Method NWTPII-Da.  
<sup>(2)</sup>MTCA Cleanup Regulation, Chapter 173-340-900 of WAC, Table 740-1 Method A Cleanup Levels for Soil, Unrestricted Land Uses, revised November 2007.

< = not detected at a concentration exceeding the laboratory reporting limit  
 bgs = below ground surface  
 DRPH = diesel-range petroleum hydrocarbons  
 GeoEngineers = GeoEngineers, Inc.  
 MTCA = Washington State Model Toxics Control Act  
 NWTPII = Northwest Total Petroleum Hydrocarbons  
 ORPH = oil-range petroleum hydrocarbons  
 SoundEarth = SoundEarth Strategies, Inc.  
 WAC = Washington Administrative Code

Well/Boring ID	Sample ID	Sampled By	Date Sampled	Analytical Results <sup>(1)</sup> (milligrams per kilogram)							
				Arsenic	Barium	Cadmium	Chromium	Lead	Mercury	Selenium	Silver
P01-P09	P01-P09-Comp	SoundEarth	07/05/18	6.73	98.4	<1	33.7	13.1	<1	<1	<1
B01-B04	B01-B04-Comp		09/25/18	3.14	65.9	<1	23.6	2.49	<1	<1	<1
MTCA Cleanup Level for Soil				20 <sup>(2)</sup>	16,000 <sup>(2)</sup>	2 <sup>(2)</sup>	2,000 <sup>(2)</sup>	250 <sup>(2)</sup>	2 <sup>(2)</sup>	400 <sup>(2)</sup>	400 <sup>(2)</sup>

**NOTES:**

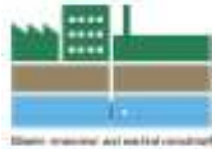
Sample analyses conducted by Friedman & Bruya, Inc. of Seattle, Washington.  
<sup>(1)</sup>Samples analyzed by EPA Method 6020B.  
<sup>(2)</sup>MTCA Cleanup Regulation, Chapter 173-340-900 of WAC, Table 740-1 Method A Cleanup Levels for Soil, Unrestricted Land Uses, revised November 2007.  
<sup>(3)</sup>MTCA Cleanup Regulation, Chapter 173-340 of WAC, CLARC Soil, Method B, Noncancer, Direct Contact, CLARC Website <<https://fortress.wa.gov/ecy/clarc/CLARCHome.aspx>>.

< = not detected at a concentration exceeding the laboratory reporting limit  
 CLARC = Cleanup Levels and Risk Calculations  
 EPA = US Environmental Protection Agency  
 MTCA = Washington State Model Toxics Control Act  
 RCRA = Resource Conservation and Recovery Act  
 SoundEarth = SoundEarth Strategies, Inc.  
 WAC = Washington Administrative Code

Source: Site Cleanup Report. Urban Environmental Partners, LLC., February 24, 2020.

Mr. Ramey  
 July 13, 2022  
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## Table A-2: Soil Confirmation Sampling Analytical Results



Environmental  
Partners LLC

Table 1 - Soil Analytical Results for  
DRPH and ORPH by Method NWTPH-Dx  
Ramey Property - Seattle, WA

Sample Name	Lab ID	Sample Type	Date of Collection	Depth (feet bgs)	DRPH <sup>(1)</sup> Concentration (mg/kg)	ORPH <sup>(2)</sup> Concentration (mg/kg)
S1	S-SL1	Performance	10/10/2019	7	2,100	<250
S2	2E-E5W-7.5'	Performance	10/11/2019	7.5	890	<250
S3	2E-E5W-11.75'	Performance	10/11/2019	11.75	3,700	<250
S4	5L2W-W5	Performance	10/14/2019	11	1,800	<250
S5	3E2-SW-8'	Performance	10/21/2019	8	1,990	<250
S6	3E2-SW-10.5'	Performance	10/21/2019	10.5	2,100	<250
S7	5L4-W5-7'-9'	Confirmation	10/18/2019	7 - 9	<50	<250
S8	5L4-S5-7'-9'	Confirmation	10/18/2019	7 - 9	<50	<250
S9	S-13E/16S-9'	Confirmation	10/23/2019	9	<50	<250
S10	S-21E/16S-12'	Confirmation	10/23/2019	12	<50	<250
S11	S-34E/17.5S-9'-10'	Confirmation	10/24/2019	9 - 10	<50	<250
S12	6E-SW-8'	Confirmation	10/25/2019	8	130	<250
S13	6E-SW-12'	Confirmation	10/25/2019	12	<50	<250
B1	B-SL1	Confirmation	10/10/2019	15	<50	<250
B2	2E-B	Confirmation	10/11/2019	14	<50	<250
B3	5L2W-B	Confirmation	10/14/2019	13.75	<50	<250
B4	5L3E-B-14'	Confirmation	10/15/2019	14	<50	<250
B5	5L4-B-13'	Confirmation	10/18/2019	13	<50	<250
B6	B-7E/9S	Confirmation	10/22/2019	14	<50	<250
B7	B-7E/13S	Confirmation	10/22/2019	13.5	<50	<250
B8	B-21E/14S-13'	Confirmation	10/23/2019	13	<50	<250
B9	B-34E/9.5S-14.3'	Confirmation	10/24/2019	14.3	<50	<250
MTCA <sup>3</sup> Cleanup Level for Soil					2,000	2,000

NOTES:

**Red** denotes concentration exceeds MTCA cleanup level for soil.

(1) Analyzed by Method NWTPH-Dx or NWTPH-HDD.

(2) Analyzed by Method NWTPH-Dx or NWTPH-HDD.

(3) MTCA Cleanup Regulation, Chapter 173-340 of WAC, Table 740-1 Method A Cleanup Levels for Soil, revised November 2013.

MTCA = Washington Model Toxics Control Act

Source: *Site Cleanup Report*. Urban Environmental Partners, LLC., February 24, 2020.

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**Table A-3: Vapor Assessment Analytical Results**

<b>Soil Gas Results</b>		
	<b>Concentration in <math>\mu\text{g}/\text{m}^3</math></b>	
	<b>SV-1</b>	<b>SV-2</b>
Measured Total Non-Carcinopenic TPH	1,483	1,416
Calculated Total Non-Carcinopenic Cleanup Level (CUL) for Sub-slab Soil Gas	7,910	8,114
Generic Method B CUL for TPH for Sub-slab Soil Gas	4,700	4,700
Measured Benzene	7.2	7.3
Carcinogenic CUL for Sub-slab Soil Gas	11.0	11.0
Measured Naphthalene	0.86J	0.86J
Carcinogenic CUL for Sub-slab Gas	2.5	2.5

Source: *Vapor Intrusion Assessment – Soil Gas Sampling Work Plan*. Urban Environmental Partners, LLC., May 5, 2020.

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July 13, 2022  
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## **Enclosure B:**

**Environmental Covenant No.  
20220331001327 in King County, WA  
recorded March 31, 2022.**



Record Date: 3/31/2022 2:25 PM

Electronically Recorded King County, WA

After Recording Return  
Original Signed Covenant to:

Tyler Betz  
Tech. Asst. Program  
PLIA  
PO Box 40930  
Olympia, WA 98504-0930

### Environmental Covenant

**Grantor:** Ramey Development, LLC

**Grantee:** State of Washington, Pollution Liability Insurance Agency (hereafter "PLIA")

**Legal Description:** 4301 11<sup>th</sup> Avenue NE, Seattle, WA 98105  
Lot 12, Block 5, Brooklyn Addition to Seattle, according to the plat  
thereof recorded in Volume 7 of Plats, Page 32, in King County,  
Washington

**Tax Parcel No.:** 114200-0580

**Cross Reference: Property Specific No Further Action (NFA) Dated:** \_\_\_\_\_

#### RECITALS

a. This document is an environmental (restrictive) covenant ("Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70A.305 RCW, and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW.

b. The Property that is the subject of this Covenant is part or all of a site commonly known as the Ramey Development, LLC property at 4301 11<sup>th</sup> Avenue NE, in Seattle, Washington. The Property is legally described in Exhibit A, and illustrated in Exhibit B & C, both of which are attached (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.

c. The Property has been the subject of remedial action conducted under MTCA regulations. This Covenant is required because although there is no longer any contamination located on or beneath the Property, residual soil impacts at concentrations above the Method A cleanup levels (CULs) remain on the adjacent property located to north of the Property. Specifically, the following principal contaminants located on adjacent property have the potential to impact future use of the Property:

Medium	Principal Contaminants Present
Soil	Diesel and Heating Oil total petroleum hydrocarbons, Benzene, and Napthalene
Groundwater (GW)	N/A
Air/Vapor	Diesel and Heating Oil total petroleum hydrocarbons, Benzene, and Napthalene

d. It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through PLIA, including the Cleanup Action Report from UEP LLC, dated 2/24/2020.

e. This Covenant grants PLIA certain rights under UECA and as specified in this Covenant. As a Holder of this Covenant under UECA, PLIA has an interest in real property; however, this interest is not an ownership interest which equates to liability under MTCA or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq. The rights of PLIA as an "agency" under UECA, other than its' right as a holder, are not an interest in real property.

#### COVENANT

Ramey Development, LLC, as Grantor and fee simple Landowners of the Property, hereby grant to PLIA, and its successors and assignees, the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall supersede any prior interests the Grantor has in the Property, and shall run with the land and be binding on all current and future owners of any portion of or interest in the Property.

#### Section 1. General Restrictions and Requirements.

The following general restrictions and requirements shall apply to the Property:

a. **Interference with Remedial Action.** Grantor shall not engage in any activity on the Property that may impact or interfere with the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from PLIA.

b. **Protection of Human Health and the Environment.** The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from PLIA. This prohibition includes, but is not limited to, any activity that results in the release or exposure of residual contamination that is located on the adjoining property to the north. It is anticipated that activities on the Property will not pose a threat to human health or the environment based on currently known conditions.

c. **Continued Compliance Required.** Grantor shall not convey any interest in any portion of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.

d. **Leases.** Grantor shall restrict any lease for any portion of the Property to uses and activities consistent with this Covenant and shall notify all lessees of the restrictions on the use of the Property.

e. **Preservation of Reference Monuments.** Grantor shall make a good faith effort to preserve any existing (if any) reference monuments and boundary markers used to define the areal extent of coverage of this Covenant. Should a monument or marker be damaged or destroyed, Grantor shall have it replaced by a licensed professional surveyor within 30 days of discovery of the damage or destruction.

**Section 2. Specific Prohibitions and Requirements.**

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

**a. Containment of Residual Petroleum Contaminated Soil.**

The remedial action completed for this Property was based on a targeted excavation of all petroleum contaminated soil (PCS) located on and beneath the Property. As established in the final Cleanup Action Report, no residual soil with petroleum that exceeds Ecology's MTCA Method A soil clean up levels remains on the Property. The Property remains undeveloped, but it is expected that the Property will be developed as a commercial building in the future. To prevent recontamination from the source property located to the north, a plastic 30-mil barrier was installed vertically as an engineering control along the northwest corner of the Property and installed along the north property line to prevent petroleum product and petroleum vapors from migrating back onto the Property.

The following restrictions and conditions shall apply within the area of the constructed engineering control in the northwest corner of the Property (as illustrated in Exhibit C) for any future development on the Property:

- Any activity on the Property that will compromise the integrity of the constructed engineering control including: drilling; digging; piercing the barrier with sampling device, post, stake or similar device; grading; excavation; installation of underground utilities; removal of the barrier; or application of loads in excess of the barrier load bearing capacity, is prohibited without prior written approval by PLIA.
- The Grantor covenants and agrees that it shall conduct Inspections and Maintenance of the constructed engineering control barrier along the northwest of the Property using PLIA approved Inspection Checklist incorporated by reference as **Enclosure E** to the Property Specific NFA cross-referenced in the above.
- Grantors shall report to PLIA within forty-eight (48) hours of the discovery of any damage to the constructed engineering control barrier. Unless an alternative plan has been approved by PLIA in writing, the Grantors shall promptly repair the damage and submit a report documenting this work to PLIA within thirty (30) days of completing the repairs.

**b. Vapor Intrusion Issue.**

The residual contaminated soil at and outside the northwest boundary of the Property boundary includes volatile chemicals that may generate harmful vapors. As such, in addition to the restrictions of the above, the following restrictions shall apply at this Property (which is currently a vacant lot) as illustrated in Exhibits B & C to minimize the potential for exposure to these harmful vapors:

- No building or other enclosed structure shall be constructed within the restricted area (Exhibit C) unless approved by PLIA
- If a building or other enclosed structure is approved for constructed in the restricted area (Exhibit C):
  - The future building basement wall shall be constructed with a sealed foundation and a vapor/gas control system that is operated and maintained to prevent the migration of vapor/gas into the building or structure, unless an alternative approach is approved by PLIA.
  - If there is any deviation from a sealed foundation and a vapor/gas control system as noted above, then this Environmental Covenant must be amended for institutional controls subject to additional vapor assessment and additional vapor confirmation monitoring.
- The Grantor covenants and agrees that it shall conduct Vapor Monitoring and Reporting as outlined in the PLIA approved Confirmation Vapor Monitoring and Contingency Plan incorporated by reference as **Enclosure D** to the Property Specific NFA cross referenced in the above.

### **Section 3. Access.**

- a. The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.
- b. The Grantor freely and voluntarily grants PLIA and their authorized representatives, upon 48 hours written notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.
- c. No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

### **Section 4. Notice Requirements.**

- a. **Conveyance of Any Interest.** The Grantors, when conveying any ownership interest within the area of the Property described and illustrated in Exhibit B & C, including but not limited to title, easement, and security or other interests, must:

- i. Provide written notice to PLIA of the intended conveyance at least thirty (30) days in advance of the conveyance.<sup>1</sup>
- ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

**NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE POLLUTION LIABILITY INSURANCE ON \_\_\_\_\_ AND RECORDED WITH THE KING COUNTY AUDITOR UNDER RECORDING NUMBER \_\_\_\_\_. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.**

- iii. Unless otherwise agreed to in writing by PLIA, provide PLIA with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

**b. Reporting Violations.** Should the Grantor become aware of any violation of this Covenant, Grantors shall promptly report such violation in writing to PLIA.

**c. Emergencies.** For any emergency or significant change in site conditions due to Acts of Nature (for example, flood or fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor must notify PLIA in writing of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

**d. Notification procedure.** Any required written notice, approval, reporting or other communication shall be delivered: (a) personally, (b) by United States registered or certified mail, postage prepaid, (c) by Federal Express or other reputable courier service regularly providing evidence of delivery (with charges paid by the party sending the notice), (d) by same day messenger service, or (e) by electronic mail, provided that such electronic mail shall be followed within one (1) business day by separate delivery of such notice pursuant to clause (a), (b), (c) or (d) above. Any such notice to a party shall be addressed to the address(es) set forth below (subject to the right of a party to designate a different address for itself by notice similarly given):

Ramey Development, LLC Attn: Ms. Sharon Ramey 215 West Bandera Road #114-722 Boerne, Texas sharonramey@gmail.com Phone: 206-818-4429	Mr. Russell E. Olsen, M.P.A. Executive Director Washington State Pollution Liability Insurance Agency P.O. Box 40930 Olympia, WA 98504-0930 (800) 822-3905 www.plia.wa.gov
---	---

**Section 5. Modification or Termination.**

- a. Grantor must provide written notice and obtain approval from PLIA at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. For any proposal that is inconsistent with this Covenant and permanently modifies an activity or use restriction at the site:
  - i. PLIA must issue a public notice and provide an opportunity for the public to comment on the proposal; and
  - ii. If PLIA approves of the proposal, the Covenant must be amended to reflect the change before the activity or use can proceed.
- b. If the conditions at the site requiring a Covenant have changed or no longer exist, then the Grantor may submit a request to PLIA that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in MTCA and UECA and any rules promulgated under these chapters.
- c. By signing this agreement, per RCW 64.70.100, the original signatories to this agreement, other than PLIA, agree to waive all rights to sign amendments to and termination of this Covenant.

**Section 6. Enforcement and Construction.**

- a. This Covenant is being freely and voluntarily granted by the Grantor.
- b. Within ten (10) days of execution of this Covenant, Grantor shall provide PLIA with an original signed Covenant and proof of recording and a copy of the Covenant and proof of recording to others required by RCW 64.70.070.
- c. PLIA shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including Chapter 64.70 RCW and Chapter 70A.305 RCW. Enforcement of the terms of this Covenant shall be at the discretion of PLIA, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by PLIA of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of PLIA under this Covenant.
- d. The Grantor shall be responsible for all costs associated with implementation of this Covenant. Furthermore, the Grantor, upon request by PLIA, shall be obligated to pay for PLIA's costs to process a request for any modification or termination of this Covenant and any approval required by this Covenant.
- e. This Covenant shall be liberally construed to meet the intent of MTCA and UECA.
- f. The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to any person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstance is not affected and shall continue in full force and effect as though such void provision had not been contained herein.

g. A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

The undersigned Grantors warrants it holds title to the Property and has authority to execute this Covenant.

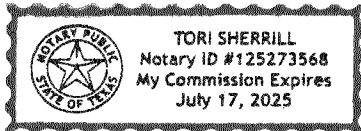
EXECUTED this 8<sup>th</sup> day of March, 2022.

Ramey Development, LLC

By: Paul B Ramey Title: Member Manager  
Sharon Ramey Member Manager

COUNTY OF KING

On this 8<sup>th</sup> day of March, 2022, I certify that Paul Ramey  
& Sharon Ramey personally appeared before me, acknowledged that **he/she**  
is the owner of the Property that executed the within and foregoing  
instrument, and signed said instrument by free and voluntary act and deed of said corporation, for  
the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute  
said instrument for said corporation.



Tori Sherrill  
Notary Public in and for the State of ~~Washington~~ Texas  
Residing at Kendall County  
My appointment expires 7/17/2025



The Pollution Liability Insurance Agency hereby accepts the status as GRANTEE and HOLDER of the above Environmental Covenant.

STATE OF WASHINGTON  
POLLUTION LIABILITY INSURANCE AGENCY

Signature: Russell E. Olsen

By

Mr. Russell E. Olsen, M.P.A.  
Executive Director  
Washington State Pollution Liability Insurance Agency

Dated: 2/10/2022

**Exhibit A**

**LEGAL DESCRIPTION**

LOT 12, BLOCK 5, BROOKLYN ADDITION TO SEATTLE, ACCORDING TO THE PLAT  
THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 32, IN KING COUNTY,  
WASHINGTON

EXHIBIT B

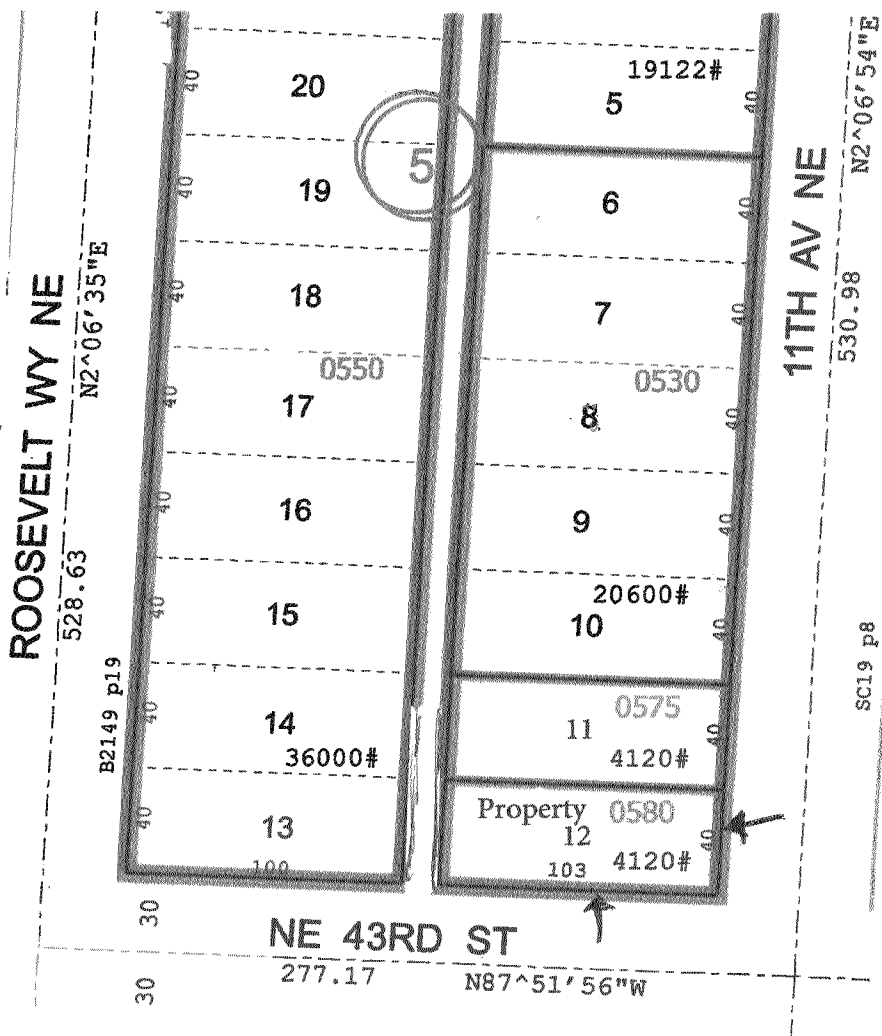
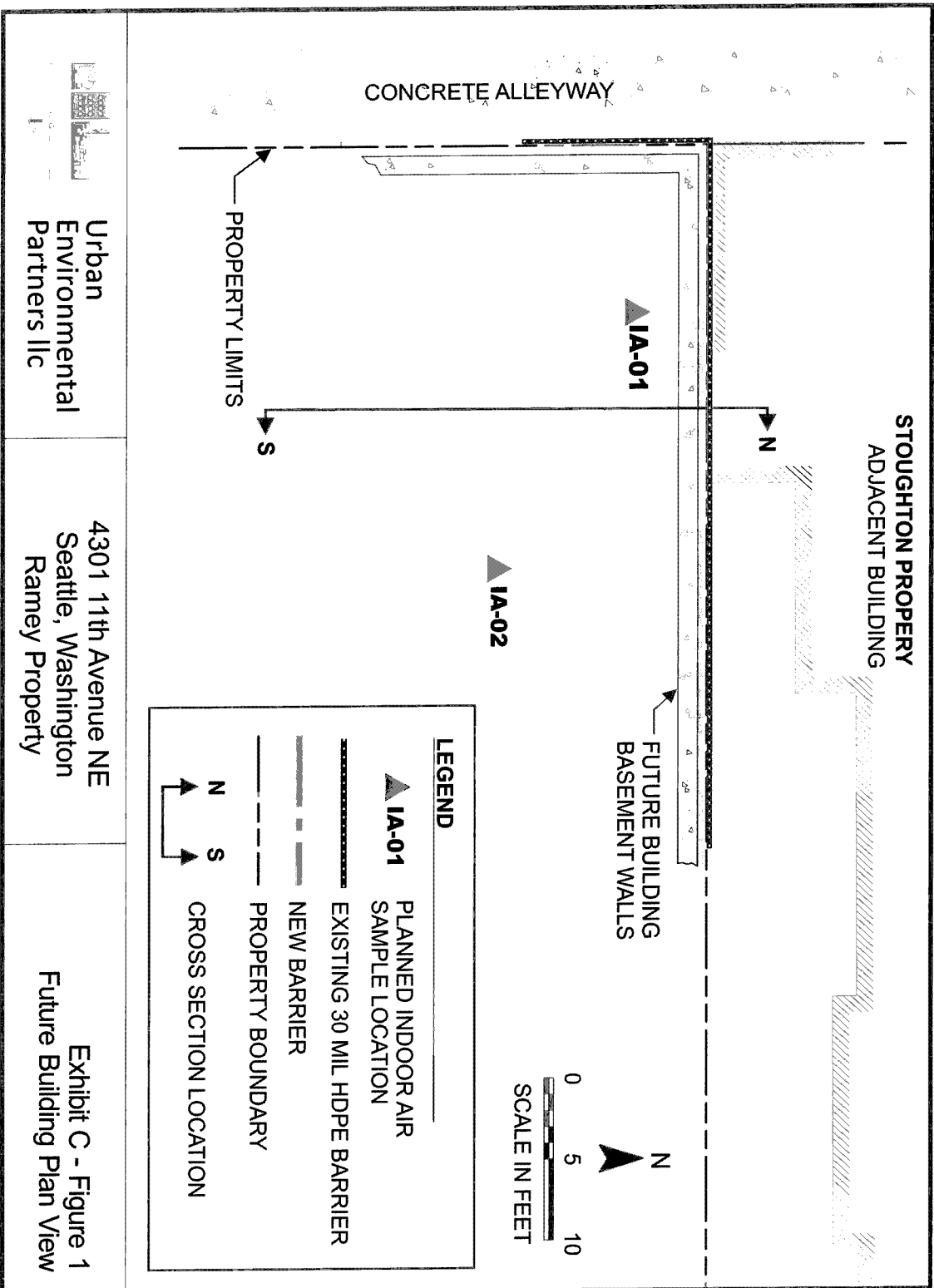


Exhibit C

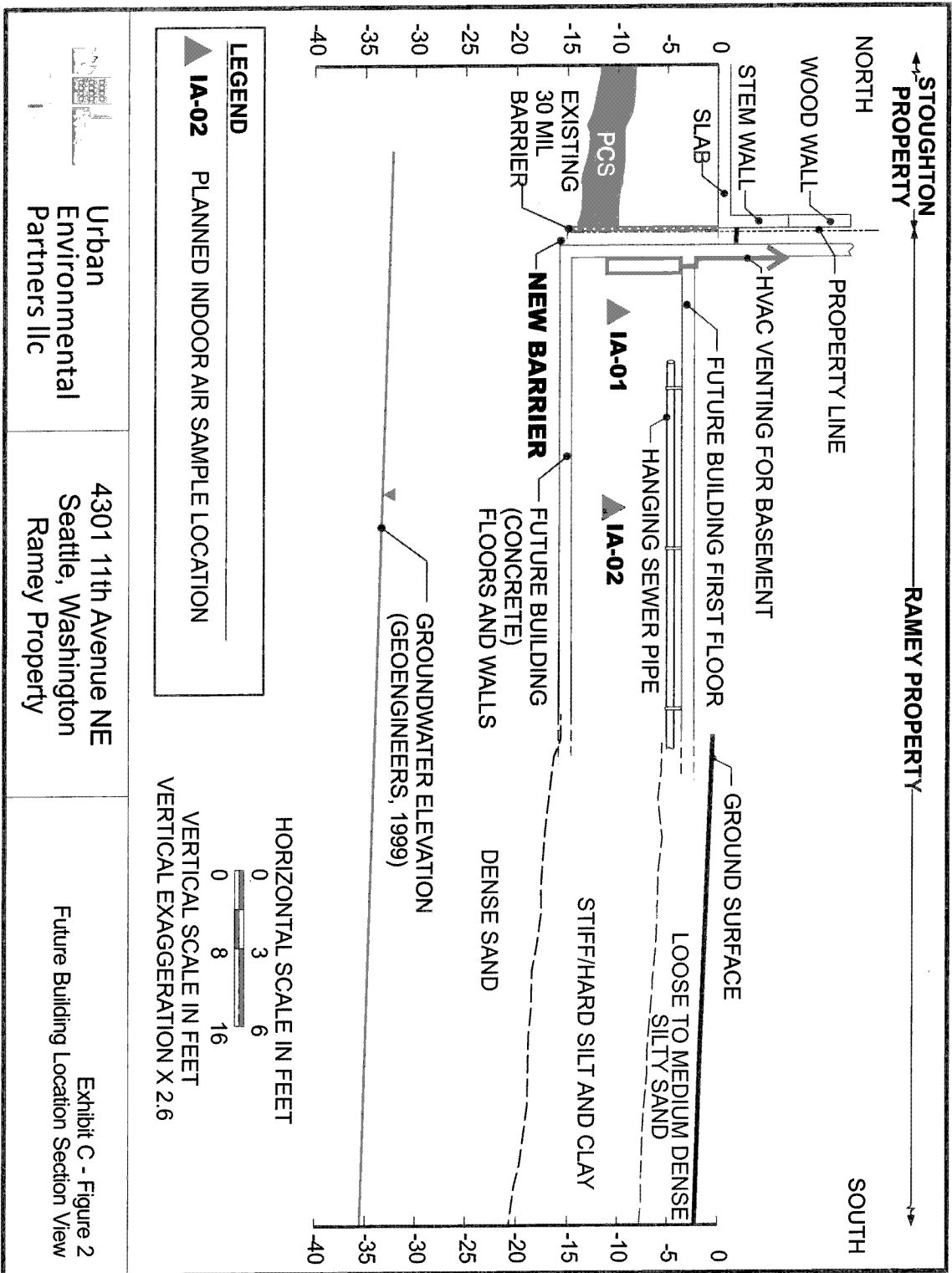
MAPS ILLUSTRATING LOCATION OF RESTRICTIONS



Urban Environmental Partners llc

4301 11th Avenue NE  
 Seattle, Washington  
 Ramey Property

Exhibit C - Figure 1  
 Future Building Plan View



Urban Environmental Partners llc

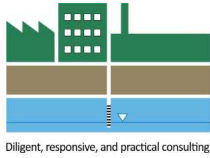
4301 11th Avenue NE  
 Seattle, Washington  
 Ramey Property

Exhibit C - Figure 2  
 Future Building Location Section View

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July 13, 2022  
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## **Enclosure C:**

# **Confirmation Monitoring and Contingency Plan**



## Urban Environmental Partners llc

# Environmental Covenant Site-Specific Requirements: Physical Barrier and Indoor Air Sampling Work Plan

Ramey Development, LLC Property  
4301 11th Avenue NE  
Seattle, WA 98105  
PLIA HOTAP #985

Prepared by:  
Urban Environmental Partners llc  
2324 First Avenue, Suite 203  
Seattle, WA 98121

December 2020

# Professional Certification

This document was prepared under my direction. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I hereby certify that I was in responsible charge of the work performed for this document.

---

Roy Kuroiwa  
Environmental Engineer  
Washington P.E. Registration No. 32174

---

Date



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3.3.4 Preparation Activities Prior to Sampling.....	Error! Bookmark not defined.
3.3.5 Indoor Air Sampling .....	Error! Bookmark not defined.
3.3.6 Ambient Air Sampling .....	Error! Bookmark not defined.
3.3.7 Two Sampling Events .....	Error! Bookmark not defined.
3.3.8 Equipment Decontamination Procedures .....	Error! Bookmark not defined.
3.3.9 Field Recordkeeping.....	Error! Bookmark not defined.
3.3.10 Laboratory Analyses and Sample Containers .....	Error! Bookmark not defined.
3.3.11 Sample Labeling.....	Error! Bookmark not defined.

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**Environmental Covenant Work Plan**

3.3.12 Chain-of-Custody Documentation .....Error! Bookmark not defined.  
3.3.13 Sample Shipment or Pickup .....Error! Bookmark not defined.  
3.3.14 Investigation-Derived Waste .....Error! Bookmark not defined.  
3.4 Indoor Air Contingency Plan..... 4  
3.5 Annual Reporting to PLIA ..... 4

**SECTION 4: QUALITY ASSURANCE PROJECT PLAN** **ERROR! BOOKMARK NOT DEFINED.**

4.1 Calibration of Field Equipment.....Error! Bookmark not defined.  
4.2 Field Quality Control Samples .....Error! Bookmark not defined.  
4.3 Laboratory Quality Control Samples .....Error! Bookmark not defined.  
4.4 Laboratory Target Reporting Limits .....Error! Bookmark not defined.  
4.5 Data Quality Review and Validation.....Error! Bookmark not defined.  
4.6 Corrective Action.....Error! Bookmark not defined.

**SECTION 5: REFERENCES** **4-1**

**FIGURES**

Figure 1: Ramey Property Location

Figure 2: Future Building Location – Plan View

Figure 3: Future Building Location – Section View

**TABLES**

Table 1: Laboratory Reporting Limits and Screening Levels for COPCs

**ATTACHMENTS**

Attachment A: Annual Inspection-Template Checklist

Attachment B: Field Forms for Indoor and Ambient Air Sampling

## List of Acronyms

Acronym	Explanation
Adjacent Property	Stoughton Property, KC Parcel No. 114200-0575
APH	Air-phase Petroleum Hydrocarbons
bgs	Below ground surface
CFR	Code of Federal Regulations
CLARC	Cleanup Level and Risk Calculation
COPC	Constituent of Potential Concern
DRPH	Diesel Range Petroleum Hydrocarbons
EA	Environmental Agent
EC	Environmental Covenant
Ecology	Washington State Department of Ecology
HVAC	Heating, Ventilation, and Air Conditioning
IA	Indoor Air
MTCA	Model Toxics Control Act
PCE	Tetrachloroethene
PID	Photoionization Detector
PROPERTY	Ramey Property, KC Parcel No. 114200-0580
QAPP	Quality Assurance Project Plan
QC	Quality Control
SAP	Sampling and Analysis Plan
SL	Screening Level
TCE	Trichloroethene
UEP	Urban Environmental Partners IIc
USEPA	United States Environmental Protection Agency
VCP	Voluntary Cleanup Program
VI	Vapor Intrusion
VOC	Volatile Organic Compound
WAC	Washington Administrative Code
Work Plan	Property Physical Barrier, Inspection and IA Sampling Work Plan

## **SECTION 1: INTRODUCTION**

### **1.1 Purpose and Introduction**

The purpose of this Work Plan is to present information for the design and installation of a site-specific physical membrane barrier that is resilient to petroleum and vapors and for the process of Indoor Air (IA) sampling for any new building that will be constructed on the Ramey Development, LLC property at 4301 11<sup>th</sup> Avenue NE (Property) in Seattle WA. These measures have been required by the Pollution Liability Insurance Agency (PLIA) as part of the issuance of a No Further Action (NFA) determination with an Environmental Covenant (EC) for the Ramey Property. The EC #20220331001327 was recorded with King County on March 31, 2022.

Pursuant to PLIA HOTAP project # 985, deep soil gas sampling was performed at the Property on May 27, 2020. Laboratory analytical results indicate that soil gas vapors collected from a former area of petroleum contaminated soil (PCS) on the Property were below applicable screening levels (SLs) under the Model Toxics Control Act (MTCA – WAC 173-340) - both generic SLs for unrestricted land use (residential and commercial) as well as Property specific, calculated SLs. As a result, PLIA agreed that the post-cleanup soil confirmation results and the soil gas screening data presented sufficient evidence that the Ramey Property is protective for purposes of future development, including construction of subgrade parking and above-grade commercial offices. The EC and associated requirements will ensure continued protection for the new building and its occupants.

Per the PLIA EC, the requirements for the future developed property include:

1. Indoor air sample collection and laboratory analysis over the five year review period.
2. Design and installation of a physical barrier (e.g., plastic liner) to prevent petroleum recontamination of the Property and to prevent vapor migration along the northwest corner and north wall of the new building.
3. Annual inspection of the subgrade parking floor slab along the north wall portions of the building.

At the end of the required 5-year review period, PLIA has agreed to review the results of the sampling and inspection events and, if appropriate, terminate future monitoring tasks as listed above.

This IA sampling is intended to demonstrate and confirm with laboratory data that future development of the Property remains protective of residential and commercial uses.

### **1.2 Site Background and Location**

The Property consists of one rectangular shaped tax parcel (King County Parcel No. 114200-0580) that covers approximately 4,120 square feet of land in Township 25 Northeast/Range 4 East/Section 17.

According to the King County iMap application, the Property is located at an approximate elevation of 160 to 165 feet above mean sea level, with the highest elevations on the northern portion of the property. The Property slopes gently to the south/southwest (along with the majority of the University Avenue neighborhood, which also slopes south and southwest toward the Montlake Cut and Lake Union). According to historical records, the Property was formerly occupied by a single-family residence that was demolished in 2002. The Property is currently vacant and is used as a gravel surface parking lot. See Figure 1.

### 1.3 Environmental Setting

The Property is located in Western Washington, which is typified by relatively mild temperatures and a marine-influenced climate. The average annual precipitation in Seattle is approximately 38 inches per year, with most precipitation falling between October and April.

In preparation for a potential sale of the Property, SoundEarth Strategies (SES) in 2017 completed soil borings to test dirt in the northwest corner of their Property due to public records which indicated that the adjoining property at 4307 11th Avenue NE (Adjacent Property) had been impacted by a release of diesel heating oil. The SES borings confirmed petroleum impacts had migrated from the Adjacent Property to the Property, as summarized below in report section 1.3.3 below.

Based on exploration observations presented in SES boring logs (SES, 2018), shallow soil conditions on the Property generally consisted of brown and tan sand, as well as silty sand, to approximately 12 to 13 feet below ground surface (bgs). Underlying the sand at about 14 feet (bgs), borings and test pits showed a dry, stiff/hard gray silt and clayey silt to the maximum depth of exploration of 21.5 feet bgs. No shallow groundwater was encountered during any site investigations. There are no nearby creeks, rivers, or natural water bodies located in close proximity to the Property. The closest surface water body is Lake Union and Portage Bay, which is located approximately 1 mile to the south of the Property.

Deep Groundwater Occurrence. Site shallow groundwater was not encountered in any of the direct-push soil borings or hollow stem auger borings during the Property explorations. In addition, no groundwater accumulation was observed in exploration test pits or PCS cleanup excavations. The average, greatest depth for investigation borings and test pits and soil removal excavations was 17 to 20 feet bgs.

A 1999 geotechnical engineering report by GeoEngineers (UEP, 2020) for the adjoining Roosevelt Commons property (located to the west and northwest of the Property) indicated that local groundwater was present at depths ranging between 31 and 37 feet bgs (at approximate elevation 122') which places groundwater at more than 20 feet below the deepest zone of DRPH impacted soil that was discovered and removed from the Property. Based on these findings, groundwater is anticipated to be present beneath the Property at depths exceeding 35 feet bgs and has not been impacted by the petroleum release from the Adjacent Property.

### **1.3.1 Property Conditions**

The Property is located within Seattle's University District. The recent real estate redevelopment market has converted much of the neighborhood to 4 and 5 story commercial uses, including medical office and clinics, hotels and restaurants, and apartments to the south. The Property is currently a graded, gravel lot that is currently leased for short term vehicle parking.

Key Property conditions include:

- The north Property boundary is delineated with a row of Ecology blocks, in some cases three high, to support a grade change between the Property and the Adjacent Property.
- The south and east Property boundaries are delineated with a vertical, concrete retaining wall to support a grade change between the Property and city ROWs.
- The west Property boundary is at the same grade/elevation as the adjacent city ROW (alley).
- The graded Property consists of a crushed-rock gravel surface that has some but limited painted markings for parking stalls.
- There are no active utilities on the Property.

As a result of a historic heating oil tank release from the Adjacent Property to the north, SES borings determined that petroleum as diesel heating oil (DRPH) had migrated approximately 20 feet onto the Property, ranging in depth between 8 and 12 feet bgs. No groundwater was encountered during previous investigations, nor is groundwater expected to be impacted. The constituents of concern (COCs) for the Property include heating oil as diesel range petroleum hydrocarbons (DRPH), benzene and naphthalene.

### **1.3.2 Adjacent Property (Heating Oil Source Property)**

The Adjacent Property to the north (see Figure 2) supports a single-family residential house that is approximately 3,500 square feet in size and is currently used for commercial purposes. The Adjacent Property is 4,120 square feet. The Adjacent Property is currently occupied by the Seattle Taiwanese Center.

As presented in several investigation reports (SES, 2018 and UEP, 2020), the Adjacent Property is the source of a historic heating oil release to the underlying soil that, over time, has migrated onto the Property. Additional details of this condition are discussed below.

At the conclusion of the Property cleanup, a 30-mil HDPE liner was installed for approximately 40 feet along the northern Property line and 20 feet along the western Property line to prevent future migration of the historic heating oil impacts from the Adjacent Property. This barrier or a replacement will be a continuing requirement under the EC until the Adjacent Property has been cleaned up.

### **1.3.3 Summary of Investigation and Cleanup Efforts**

Several investigation and data collection activities have occurred on the Property between 2018 and 2019. A chronological list of relevant activities includes:

- Roosevelt Commons Development and Geotechnical Design – GeoEngineers, 1999 (deep groundwater occurrence)
- Roosevelt Commons Construction – GeoEngineers, 2001-2002 (discovery and characterization of heating oil release from Adjacent Property)
- Subsurface Investigation – SES, July and September 2018 (probes, monitoring wells, and test pits)
- Remedial Design and Cleanup – UEP, 2018-2019 (additional test pits, cleanup of Property and installation of barrier)
- Soil Gas Sampling – UEP, 2020 (post cleanup soil gas conditions)

Deep soil gas samples were collected soon after the Property cleanup was completed in October 2019, and those results are summarized and described in detail in Section 2 below.

## **1.4 Regulatory Context**

The requirements of the Model Toxics Control Act (MTCA) will be addressed through the supervision of the Washington State Pollution Liability Insurance Agency (PLIA) HOTAP #985 as described in Washington Administrative Code (WAC) 173-340-515.

## **1.5 Work Plan Organization**

This Work Plan is organized as follows:

- Section 2: Summary of Existing Results
- Section 3: Site-Specific Covenant Requirements including Indoor Air Sampling Plan
- Section 4: Quality Assurance Project Plan
- Section 5: References

## SECTION 2: SUMMARY OF EXISTING RESULTS

A summary of the Property's current subsurface environmental condition is presented below. An evaluation of the present environmental conditions on the Property indicates that soil and soil gas are protective of the various applicable pathways of concern, including the vapor intrusion (VI) pathway. Section 3 provides the Indoor Air (IA) sampling plan to confirm that the VI pathway is incomplete.

### 2.1 Soil Direct Contact Pathway

MTCA Method A unrestricted land use soil cleanup levels (CULs) for diesel-range petroleum hydrocarbons (DRPH) of 2,000 mg/kg and for heavy-oil range petroleum hydrocarbons (ORPH) of 2,000 mg/kg were utilized for the cleanup of the Property. If both constituents had a detectable concentration, they were added and compared to a TPH CUL of 2,000 mg/kg.

The cleanup excavation removed all PCS and met CULs in soil at the standard points of compliance (POC) across the entire Property (UEP, 2020). The standard POC is based on the protection of human direct contact and protection of groundwater for drinking water use and requires a point of compliance throughout the Property down to 15 feet bgs. In this case, the POC for the PCS removal activity was achieved at the final sidewall and bottom extents of the PCS excavation area, because the soil remaining on the Property in the excavated area contained no DRPH and ORPH combined concentrations above the 2,000 mg/kg CUL.

### 2.2 Soil-Groundwater Pathway

The PCS cleanup of the Property was successful in removing all soil above the MTCA Method A soil CUL for unrestricted land use of 2,000 mg/kg. This CUL is based in part on the protection of groundwater for drinking water. The expected depth to groundwater is likely 35 feet bgs, which is greater than 20 feet below the average depth of petroleum measured in soil.

### 2.3 Vapor Intrusion Pathway

#### 2.3.1 *Current COPCs for the VI Pathway*

For the purposes of this Work Plan, a petroleum constituent was identified as a COPC for the VI pathway if the constituent was detected in soil above Ecology's MTCA Method A CUL for unrestricted land use or considered to be driver for soil-gas or indoor air exposures associated with petroleum sites. The identified COPCs for the VI pathway are:

- TPH as Air-Petroleum Hydrocarbons (APH)
- Benzene
- Naphthalene



### 2.3.1 *SLs for the VI Pathway*

Screening levels (SLs) for the Property COPCs were determined using the MTCA Method B unrestricted land use scenario. The appropriate SLs used for current and future site uses are provided below:

	Non-carcinogenic TPH	Naphthalene	Benzene
	(Concentration in ug/m3)		
<b>Method B Screening Levels</b>			
Sub Slab Gas	4,700	2.50	32.0
Deep Soil Gas	14,000	7.40	11.0
Indoor Air	140	0.074	0.32
<b>Soil Gas Results</b>			
SV-1 (7' bgs)	1,483	0.86J	7.2
SV-2 (14' bgs)	1,416	0.86J	7.3

The sub slab soil gas, deep soil gas, and indoor air SLs for unrestricted land use are the most stringent of the Method B values from the Cleanup Level and Risk Calculation (CLARC) database (Ecology 2020). A calculated, sub slab soil gas non-carcinogenic CUL for TPH was also reviewed; however, the result is considerably higher (i.e., less stringent) than the standard Method B value and was therefore not included.

### 2.3.2 *Deep Soil Gas Sampling Results*

As a result of the subsurface soil contamination at the Property, deep soil gas was sampled as a Tier I evaluation for future indoor air exposure scenarios and related to potential vapor intrusion pathway. This data is also used to estimate the 'strength' of the pathway potential for VI.

Two deep soil gas samples SV-1 and SV-2 were collected on 5/27/2020, approximately 200 days after the completion of the Property PCS cleanup activities. Each sample was located at or just below the former layer of PCS that was removed for the Property and represents the likely location of a future commercial building foundation (Figures 2 and 3). Although the depth of each sample at the time of collection was relatively deep (7' and 14' bgs), once a building with one floor of subgrade parking is in place, the relative distance of the soil gas sample to the basement slab is closer to 1' and 5' apart. Therefore, the soil gas results are compared to both the Method B CUL for deep soil and sub slab soil gas.

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## **Environmental Covenant Work Plan**

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The soil gas results for TPH, benzene and naphthalene are all below both deep and sub slab soil gas SLs and would normally render any further Tier II assessment unnecessary. These results indicate a very 'weak' potential for a future VI pathway.

Nonetheless, based on PLIA review and consultation of these results, the Property is proposing limited IA sampling soon after the completion of any new development on the Property (see Section 3 below). The results of future IA sampling are intended to confirm that the vapor intrusion pathway is not complete.

## **SECTION 3: SITE-SPECIFIC COVENANT REQUIREMENTS INCLUDING INDOOR AIR SAMPLING PLAN**

Similar to the neighborhood's surrounding new construction, the current or future owner of the Property will likely develop the Property as a mixed-used, 5- to 6 story building with one floor of subgrade parking. The current owner of the Property is committed to ensuring that any future development is protective of building occupants under a residential or commercial exposure scenario.

This Work Plan presents an inspection and sampling plan to ensure that the covenant requirements are performed as designed and intended. This includes inspection of a physical barrier and indoor air monitoring to confirm that the VI pathway is and will remain incomplete.

Figure 2 presents the plan view of the likely extent of a new commercial building on the Property. Figure 3 provides a section view of the same building, showing the subgrade parking structure and first ground level floor of a future commercial building.

### **3.1 Physical Barrier to Prevent TPH Migration**

During the 2019 PCS cleanup efforts at the Property, a new 30-mil, continuous plastic barrier was installed along the north boundary line from grade to a depth of approximately 15 feet bgs. The barrier was also installed along the northwest corner of the Property and extended approximately 20 feet beyond the lateral limits or extents of the PCS plume as determined in the field during PCS cleanup. The performance objective for the physical barrier is twofold: a) intercept and prevent the interval of historic heating oil located in soil on the Adjacent Property from returning to or further advancing onto the Property (UEP, 2020); and b) provide an additional measure of vapor control from PCS located on the Adjacent Property. As such, the barrier is considered an engineering control for the Property, which requires an environmental covenant (EC).

#### **Institutional Controls**

An Environmental Covenant drafted by UEP that is subject to PLIA's approval in part, make up the institutional control for the Site. Remaining institutional controls for the Site due to the residual contamination remaining at this Site include:

- (i) Containment of residual petroleum contaminated soils (PCS) at the north and northwest corner of the property along the property boundary
- (ii) Inspection and maintenance of the immediate area above the installed barrier and catch basins and storm drains and
- (iii) Vapor of soil-gas monitoring pending the next 5 Yr. Review.

### Inspection and Maintenance Plan

Inspection and maintenance of the buried barrier and gravel surface in the north and northwest section of the property shall occur annually using the PLIA approved Inspection O&M Checklist (Enclosure E to the NFA determination letter), in accordance with the schedule provided in Table 1 below.

Table 1: Inspection Frequency and Duration

Year	Inspection Activity
2022	Begin Annual Inspection and Maintenance of the Barrier – Restricted Area and Develop Report to PLIA
2023	Continue Annual Inspection and Maintenance of the Barrier – Restricted Area and Develop Report to PLIA
2024	Continue Annual Inspection and Maintenance of the Barrier – Restricted Area and Develop Report to PLIA
2025	Continue Annual Inspection and Maintenance of the Barrier – Restricted Area and Develop Report to PLIA
2026	Continue Annual Inspection and Maintenance of the Barrier – Restricted Area and Develop Report to PLIA
2027	PLIA Conducts 5 Yr. Review

### Vapor Monitoring Plan

Vapor investigations consisting of soil gas assessments have been completed at the Site in 2019 and 2020 to assess risk to human health from contaminants in soil gas and future indoor air. Residual soil contamination present at the neighboring property after the remedial action implementation does not appear to pose vapor-intrusion risk to a future building based on the completed Performance Sampling at this Site. In order to assess the engineering control implemented at the Site and to ensure that the vapor exposure pathway remains incomplete over time, a monitoring program will be implemented to ensure continued vapor compliance. The monitoring program will consist of periodic air quality sampling and shall include the following vapor locations and functions as depicted in Table 2 below:

Table 2: Air Sampling Locations and Functions:

Monitoring Vapor ID	Function	Comments

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IA-1	CPOC	Indoor air within inclusion zone of residual contamination; Basis for Site Closure/Re- opener NFA Rescission
Amb-1	Background: Upwind	Outside at an upwind location; Background un-related to site activities

**Confirmation- Vapor Monitoring and Duration**

To support the NFA determination (with institutional controls), the vapor monitoring at this Site shall be conducted as outlined below in Table 3 pending the next 5 Yr. Review:

Table 3: Vapor Confirmation Monitoring Frequency and Duration

2022	2023	2024	2025	2026	2027
- (2020) First Soil-gas Performance Sampling Completed: Basis for NFA - Complete Second Soil-gas Performance Sampling Event (4th Quarter to Finish Performance Assessment)	- Begin Annual Inspection and Maintenance  - Submit Report to PLIA	- Begin Semi-Annual Soil-gas Air Sampling (1st and 3rd Quarters)  - Continue Annual Inspection and Maintenance  - Submit Report to PLIA	- Continue Annual Inspection and Maintenance  - Submit Report to PLIA	- Continue Semi-Annual Soil-gas Air Sampling (1st and 3rd Quarters)  - Continue Annual Inspection and Maintenance  - Submit Report to PLIA	- PLIA conducts 5. Yr. Review; Assesses need for Sampling Reduction, Cessation, or Continuation; or Contingency for Further Action  - Contingency may occur during any period of monitoring

**Contingency Plan**

The purpose of this contingency summary is to provide contingency actions for the management of potential conditions beneath the Property if elevated levels of harmful vapors in the indoor air quality samples are detected above the Method B cleanup levels.

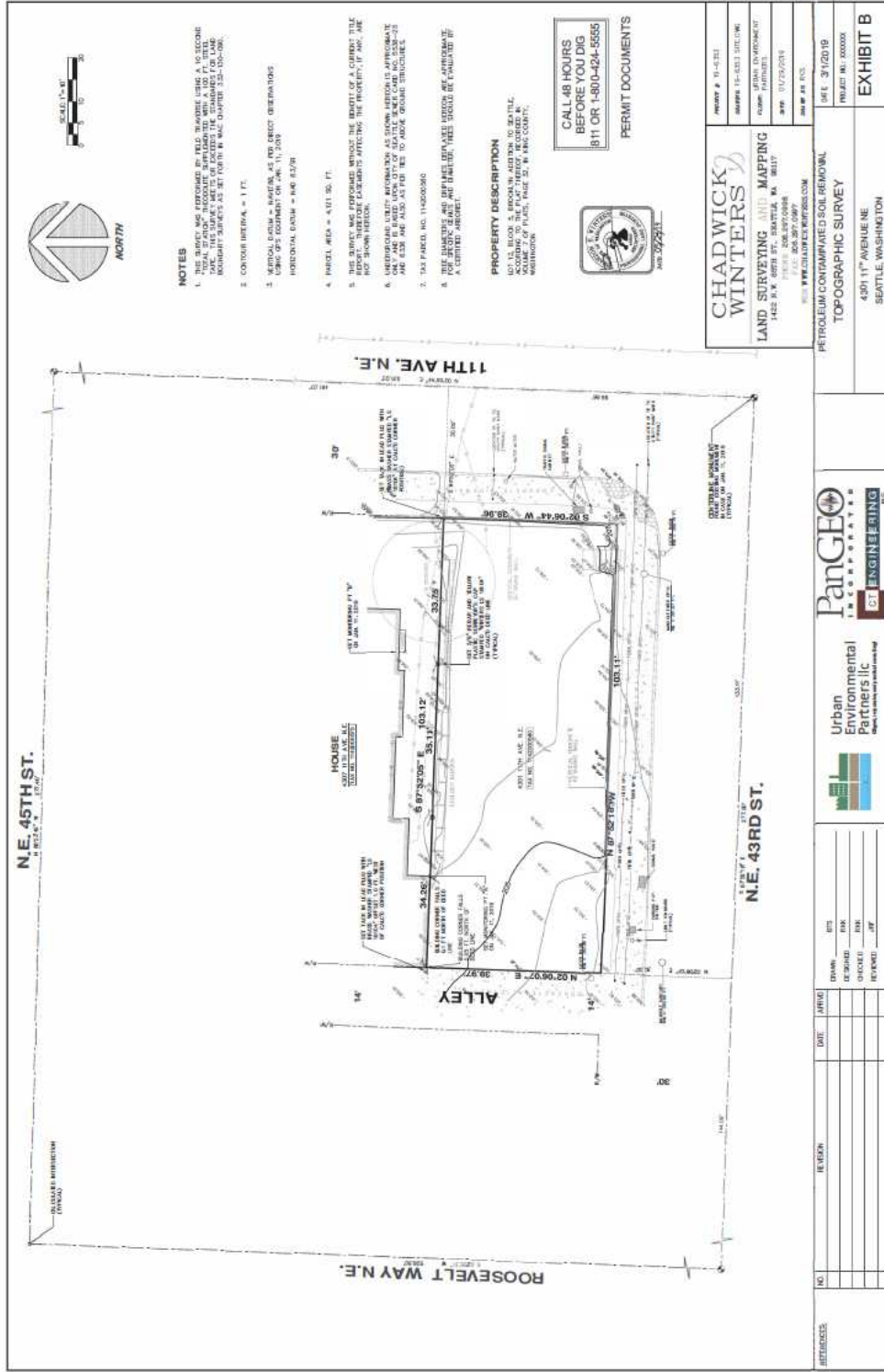
In the event that the Indoor air quality confirmation monitoring reports TPH constituents above MTCA Method B for vapors, and resampling was performed to confirm the exceedance, PLIA must approve a contingency action before one is implemented. The approval of a contingency work plan is an NFA “re-opener and rescission” pending completion of further action. After vapor mitigation efforts are completed under the contingency plan, performance vapor monitoring of consecutive semi-annual air quality sampling events will be conducted to demonstrate compliance, to support re-issuance of the NFA pending the next 5-year Review.

**Reporting**

All records associated with this CMCP: inspection of engineering control areas, such as the asphalt cap and catch basins, including the PLIA approved Checklist will be sent to PLIA within 30 days of finalizing the reports for the tasks outlined in Table 3 pending the 5-year Review.

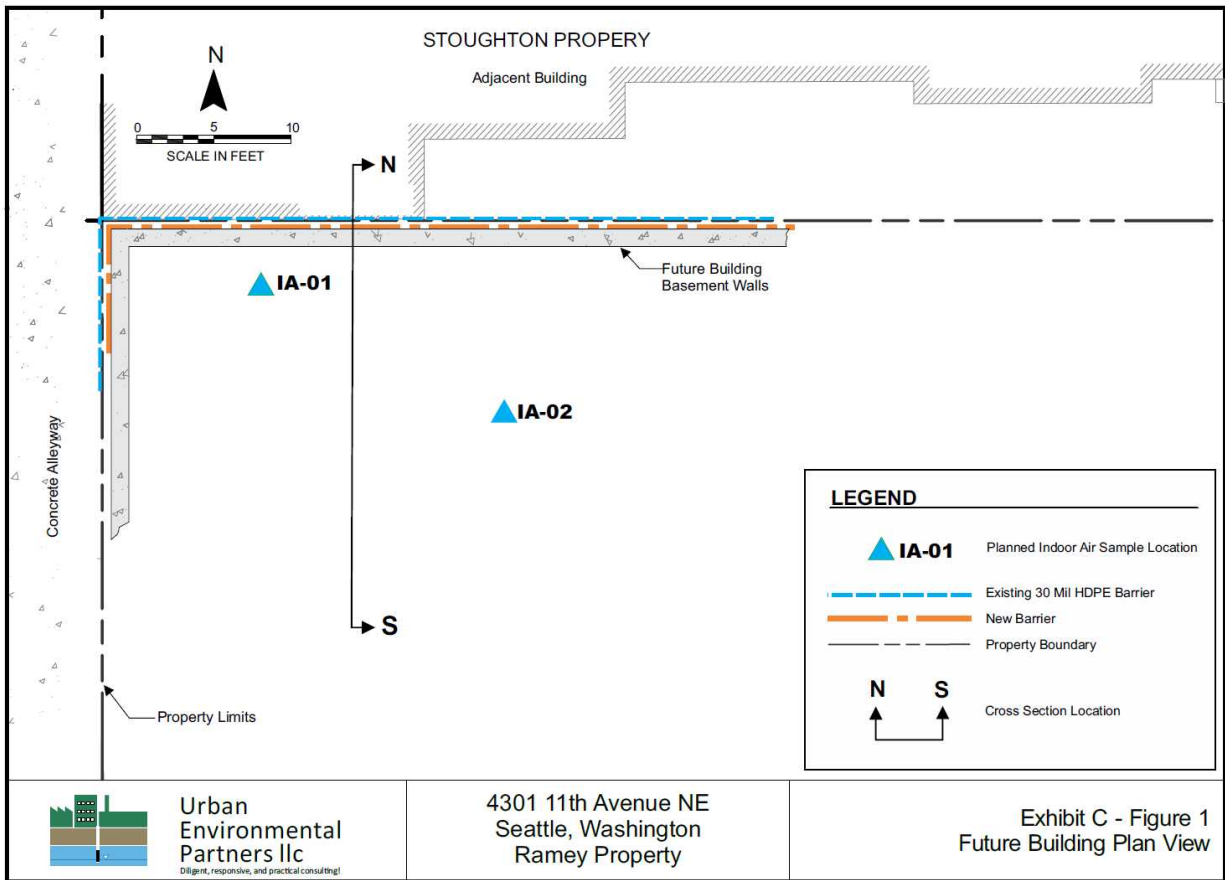
**FIGURES:**

PROPERTY MAP

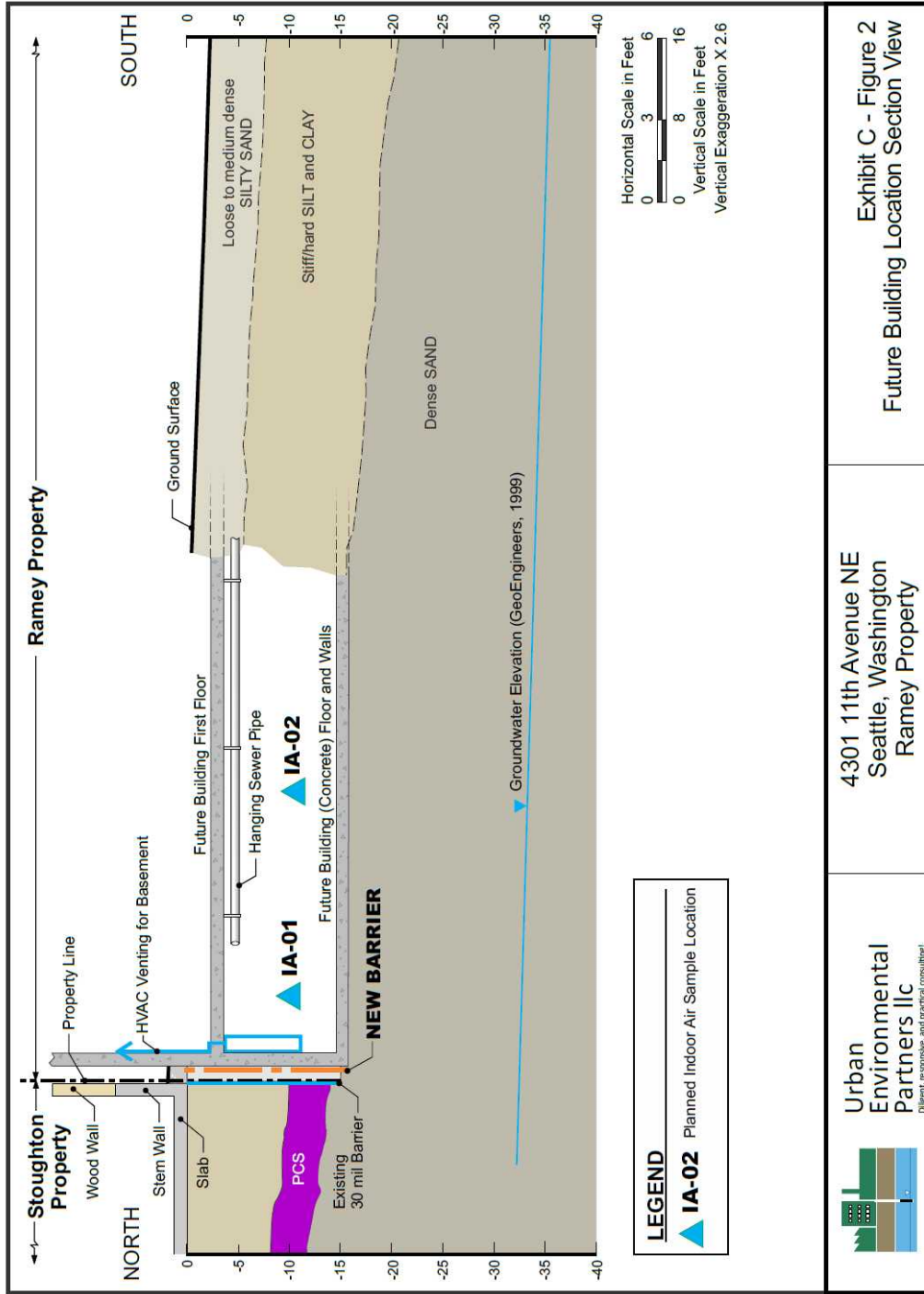


Site-specific covenant requirements including indoor air sampling plan

MAPS ILLUSTRATING LOCATION OF RESTRICTIONS







Urban Environmental Partners llc  
 Original, responsive, and practical consulting

4301 11th Avenue NE  
 Seattle, Washington  
 Ramey Property

Exhibit C - Figure 2  
 Future Building Location Section View

## **SECTION 4: REFERENCES**

Ecology 2016. Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, December.

Ecology 2018. Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action, Review Draft October 2009, Revised February 2016 and April 2018.

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SoundEarth Strategies 2019. Phase II Environmental Site Assessment, Ramey Property. October 18.

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USEPA 1989. Risk Assessment Guidance for Superfund (RAGS): Volume I. Human Health Evaluation Manual (Part A. Office of Emergency and Remedial Response, Washington, DC. EPA/540/1-89/002. December.

USEPA. 2011. Background Indoor Air Concentrations of Volatile Organic Compounds in North American Residences (1990-2005): A Compilation of Statistics for Assessing Vapor Intrusion, June.

USEPA 2016. National Functional Guidelines for Superfund Organic Methods Data Review. EPA-540-R-2016-002. September.

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**Environmental Covenant Work Plan**

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**Attachment A: Annual Inspection-Template Checklist**

**Attachment B: Field Forms for Indoor and Ambient Air Sampling**

# Professional Certification

This document was prepared under my direction. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I hereby certify that I was in responsible charge of the work performed for this document.



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Roy Kuroiwa  
Environmental Engineer  
Washington P.E. Registration No. 32174

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June 15, 2022  
Date

Mr. Ramey  
July 13, 2022  
Page **26** of **27**

## **Enclosure D:**

# **PLIA Inspection Checklist**

## Site Inspection Checklist - PLIA

<b>I. SITE INFORMATION</b>													
<b>Site name:</b>	<b>Date of inspection:</b>												
<b>Location and Region:</b>	<b>F/S ID:</b> <b>PTAP ID:</b>												
<b>Agency, office, or company leading the five-year review:</b>	<b>Weather/temperature:</b>												
<b>Remedy Includes:</b> (Check all that apply) <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Landfill cover/containment</td> <td><input type="checkbox"/> Containment (Monitored natural attenuation-Soil/GW)</td> </tr> <tr> <td><input type="checkbox"/> Access controls</td> <td><input type="checkbox"/> Groundwater containment</td> </tr> <tr> <td><input type="checkbox"/> Institutional controls</td> <td><input type="checkbox"/> Vertical barrier walls</td> </tr> <tr> <td><input type="checkbox"/> Groundwater pump and treatment</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Surface water collection and treatment</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td></td> </tr> </table>		<input type="checkbox"/> Landfill cover/containment	<input type="checkbox"/> Containment (Monitored natural attenuation-Soil/GW)	<input type="checkbox"/> Access controls	<input type="checkbox"/> Groundwater containment	<input type="checkbox"/> Institutional controls	<input type="checkbox"/> Vertical barrier walls	<input type="checkbox"/> Groundwater pump and treatment		<input type="checkbox"/> Surface water collection and treatment		<input type="checkbox"/> Other _____	
<input type="checkbox"/> Landfill cover/containment	<input type="checkbox"/> Containment (Monitored natural attenuation-Soil/GW)												
<input type="checkbox"/> Access controls	<input type="checkbox"/> Groundwater containment												
<input type="checkbox"/> Institutional controls	<input type="checkbox"/> Vertical barrier walls												
<input type="checkbox"/> Groundwater pump and treatment													
<input type="checkbox"/> Surface water collection and treatment													
<input type="checkbox"/> Other _____													
<b>Attachments:</b> <input type="checkbox"/> Inspection team roster attached <input type="checkbox"/> Site map attached													
<b>II. INSTITUTIONAL CONTROLS</b> <input type="checkbox"/> Applicable <input type="checkbox"/> N/A													
<b>A. Fencing</b>													
1. <b>Fencing damaged</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> Gates secured <input type="checkbox"/> N/A Remarks _____ _____													
<b>B. Other Access Restrictions</b>													
1. <b>Signs and other security measures</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> N/A Remarks _____ _____													
<b>III. STORM DRAINS/CATCH BASINS &amp; SOIL COVERED BY THE COVENANT &amp; WELLS</b>													
<b>A. Catch Basin Tested to Ensure Water-Tight Construction</b>													
1.    Date Tested _____    Passed: <input type="checkbox"/> Failed: <input type="checkbox"/>  If Failed; Date of Reconstruction _____ Remarks _____ _____													
<b>B. Surface Areas: Around Catch Basins &amp; Soil Covered by the Covenant (e.g. Bldg. Foundation)</b>													
1.    Settlement (Low spots) <input type="checkbox"/> Location shown on site map <input type="checkbox"/> Settlement not evident Areal extent _____    Depth _____ Remarks _____													
2.    Cracks <input type="checkbox"/> Location shown on site map <input type="checkbox"/> Cracking not evident Lengths _____    Widths _____    Depths _____ Remarks _____													

3. Erosion  Location shown on site map  Erosion not evident  
 Areal extent \_\_\_\_\_ Depth \_\_\_\_\_  
 Remarks \_\_\_\_\_

4. Holes  Location shown on site map  Holes not evident  
 Areal extent \_\_\_\_\_ Depth \_\_\_\_\_  
 Remarks \_\_\_\_\_

5. Monitoring Wells  
 Properly secured/locked  Functioning  Routinely sampled  Good condition  
 All required wells located  Needs Maintenance  N/A  
 Remarks \_\_\_\_\_

**C. Monitoring Data**

1. Monitoring Data

Is routinely submitted on time  Is of acceptable quality

2. Monitoring data suggests:

Groundwater plume is effectively contained  Contaminant concentrations are declining

**D. Containment Remedy (Monitored Natural Attenuation)**

1. **Monitoring Wells** (natural attenuation remedy)

Properly secured/locked  Functioning  Routinely sampled  Good condition  
 All required wells located  Needs Maintenance  N/A  
 Remarks \_\_\_\_\_  
 \_\_\_\_\_

**IV. OTHER REMEDIES**

If there are remedies applied at the site which are not covered above, attach an inspection sheet describing the physical nature and condition of any facility associated with the remedy. An example would be soil vapor extraction.

**V. OVERALL OBSERVATIONS**

**A. Implementation of the Remedy**



Describe issues and observations relating to whether the remedy is effective and functioning as designed. Begin with a brief statement of what the remedy is to accomplish (i.e., to contain contaminant plume, minimize infiltration and gas emission, etc.).

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**B. Adequacy of O&M**

Describe issues and observations related to the implementation and scope of O&M procedures. In particular, discuss their relationship to the current and long-term protectiveness of the remedy.

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**C. Early Indicators of Potential Remedy Problems**

Describe issues and observations such as unexpected changes in the cost or scope of O&M or a high frequency of unscheduled repairs, which suggest that the protectiveness of the remedy may be compromised in the future.

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**D. Opportunities for Optimization**

Describe possible opportunities for optimization in monitoring tasks or the operation of the remedy.

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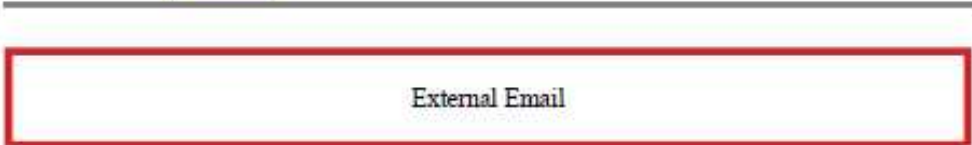


Mr. Ramey  
July 13, 2022  
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# Enclosure E:

## Comments from Land Planning & Development Authority

**From:** [VanSkike, David](#)  
**To:** [ROY KUROIWA](#)  
**Cc:** [John Funderburk](#); [Betz, Tyler \(PLIA\)](#)  
**Subject:** RE: Transmittal of draft Environmental Covenant language review by Seattle DCI  
**Date:** Tuesday, January 4, 2022 1:03:15 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)



I'm sorry for the delay.

I have reviewed the draft covenant and do not find that any provisions will conflict with any aspects of the Seattle land Use code.

Dave Van Skike  
Policy and Technical Lead.

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**From:** ROY KUROIWA <[rkkpe@comcast.net](mailto:rkkpe@comcast.net)>  
**Sent:** Tuesday, January 4, 2022 12:53 PM  
**To:** VanSkike, David <[David.VanSkike@seattle.gov](mailto:David.VanSkike@seattle.gov)>  
**Cc:** John Funderburk <[johnf@uepconsulting.com](mailto:johnf@uepconsulting.com)>; Betz, Tyler (PLIA) <[tyler.betz@plia.wa.gov](mailto:tyler.betz@plia.wa.gov)>  
**Subject:** RE: Transmittal of draft Environmental Covenant language review by Seattle DCI



Hi David, our 30-day window is almost up...I was wondering if you or your department will have any review comments on our draft Env Covenant? Thanks for your response, Roy

On 12/07/2021 4:58 PM ROY KUROIWA <[rkkpe@comcast.net](mailto:rkkpe@comcast.net)> wrote:

Hi David, thanks for your call. Find attached the documents for your review. Roy

On 12/07/2021 4:08 PM Neuman, Megan <[megan.neuman@seattle.gov](mailto:megan.neuman@seattle.gov)> wrote:

Thanks for the background. I think we can tackle this request fairly easily. You should hear back from someone on our Policy Team by the end of the week. Roy – the planner assigned will likely give you a call to make sure