



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

January 24, 2024

George Webb
18605 17th Avenue NW
Shoreline, WA 98117 USA

Re: No Further Action Likely with an Environmental Covenant for the Following Property:

- **Facility/Site Name:** Roscoe Oil Co
- **Facility/Site Address:** 9367 Rainier Avenue S, Seattle, WA 98118
- **Facility Site ID (TAP only):** 29194726
- **Technical Assistance Program No.:** PNW289

Dear George Webb:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 9367 Rainier Avenue S, Seattle, WA 98118 (Site). This letter provides our opinion made under the authority of Chapter 70A.330 RCW and Chapter 374-80 WAC. PLIA appreciates your initiative in pursuing this administrative option for cleaning up a contaminated site under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

This opinion is based on the remediation strategy and restoration timeline provided. This opinion is invalid if new data are obtained which require modification to the remediation strategy or restoration timeline. PLIA may issue a follow-up further action opinion letter for failure to receive Site updates.

Opinion on Cleanup

PLIA has determined that the proposed cleanup actions, **with the additional comments regarding MTCA compliance and the filing of** contained in this opinion letter, **will likely meet** the cleanup standards

George Webb

January 24, 2024

2 | Page

established for the Property located at 9367 Rainier Avenue S, Seattle, WA 98118. Please note that additional cleanup actions will be necessary to demonstrate that no further action will be necessary at the Site. This determination is made using data available to PLIA as of the date of this opinion.

This opinion is based on an analysis of whether the proposed 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 Site

This opinion applies only to the petroleum release at the Site located at 9367 Rainier Avenue S, Seattle, WA 98118 and includes one King County tax parcel(s) 7129304500, as well as a portion of the right-of-way (ROW) in Rainier Avenue S. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

1. Description of the Site:

The Site is defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH): TPH-d (diesel) and TPH-o (oil) and TPH-g (gasoline) into the soil/groundwater/air.

Basis of the Opinion

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

1. *Supplemental Groundwater Analytical Data Table*. Prepared by Dixon Environmental Services. September 27, 2023.
2. *Remedial Investigation/ Focused Feasibility Study/Cleanup Action Plan*. Prepared by Dixon Environmental Services. June 28, 2023.

These reports are also available for download at:

<https://plia.box.com/s/9vquvlqj3jwe6ykhzqao0fnhjyl49pou>

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.

George Webb

January 24, 2024

3 | Page

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

Analysis of the Proposed Cleanup

PLIA has determined that the proposal to manage the Property with an environmental covenant **will likely** be an appropriate measure for the Property. **Additional cleanup actions will be necessary at the remainder of the Site.** Provided the issues identified below are adequately addressed in accordance with the requirements of MTCA.

1. Soil (Direct Contact):

- PLIA agrees that the extent of petroleum contaminated soil (PCS) has been adequately characterized.
- PLIA agrees that it is appropriate to use a site-specific Method B cleanup level (CUL) for direct contact for total TPH at the Property and Site.
- PCS remains in the ROW of Rainier Avenue S with TPH concentrations exceeding the site-specific Method B CUL. The City of Seattle Attorney's Office provided a letter documenting their amenability to issuance of a Property-Specific No Further Action Letter from PLIA. As part of this agreement, they requested that a remedial action plan for a cleanup of the affected portion of the ROW. The Seattle Attorney's Office also requested to be provided opportunity to comment on that plan prior to its implementation. PLIA will not issue a Property No Further Action (NFA) letter until this issue is adequately resolved.
- If the ROW can be successfully remediated to meet CULs, PLIA will likely issue an unrestricted Site NFA Letter.

2. Groundwater:

- The groundwater analytical data from the Site have demonstrated that contaminants of concern (COCs) meet MTCA Method A CULs for groundwater.
- PLIA agrees that further compliance groundwater monitoring in monitoring wells GMW-5 through GMW-8 could be appropriate in the future, pending additional remediation in the ROW.
- To allow for redevelopment of the Property, the remaining groundwater monitoring wells at the Site may be decommissioned in accordance with WAC 173-160-381.

George Webb

January 24, 2024

4 | Page

3. Vapor (Air):

- Soil gas investigations at the Site have demonstrated that there is a concern for vapor intrusion for future buildings that may be constructed at the Property. PLIA generally agrees with the plan to install a vapor barrier in any future buildings within the lateral inclusion zone and vertical separation distance (detailed in Washington State Vapor Intrusion Guidance) of remaining PCS.
- Provisions for continued protection of indoor air can be addressed as part of an environmental covenant. If remediation of PCS in the ROW takes place, Site NFA Status without an environmental covenant may be appropriate.

Limitations of the Opinion

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 (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).

George Webb

January 24, 2024

5 | Page

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to PLIA upon completion of your cleanup action and request an opinion under the PLIA's Technical Assistance Program (TAP).

4. 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.

George Webb

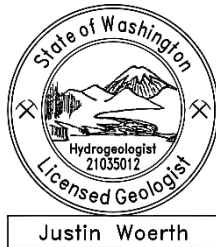
January 24, 2024

6 | Page

Contact Information

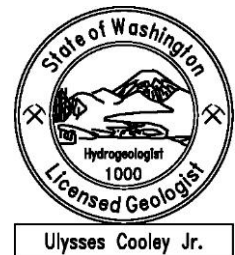
Thank you for choosing to clean up your property in coordination with the PLIA Technical Assistance Program (TAP). If you have any questions about this opinion, please contact me by phone at 1-800-822-3905, or by email at pliamail@plia.wa.gov

Sincerely,



Justin Woerth, LHG
Site Manager

DocuSigned by:
Ulysses Cooley Jr.
569D5AC8B883494...



Ulysses Cooley Jr., LHG
Lead Hydrogeologist

Enclosure A: Figure 1: Site Location Map
 Figure 2: Site Plan Map/ Groundwater Elevation Contours

cc: Brian Dixon, Dixon Environmental

George Webb

January 24, 2024

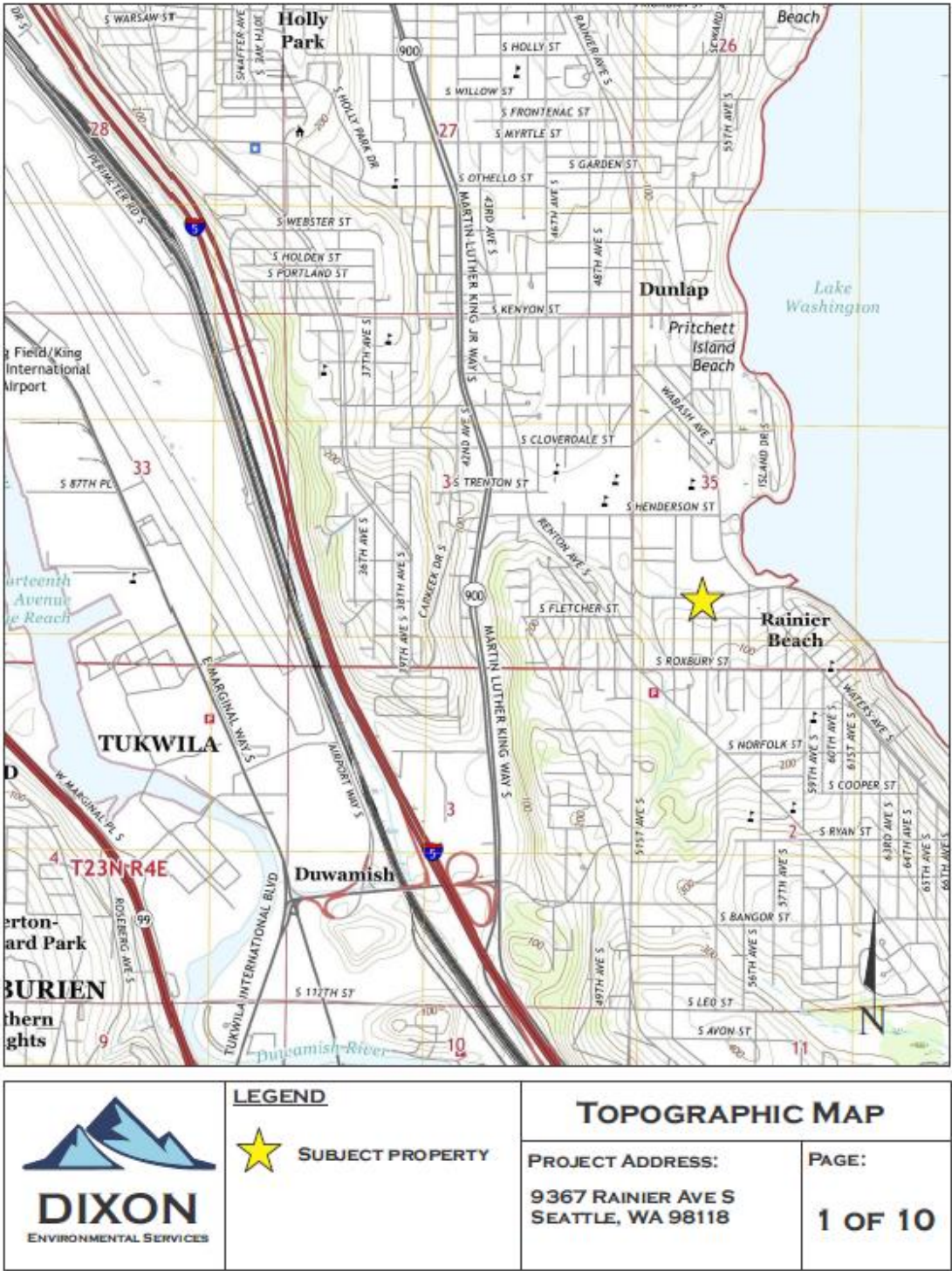
7 | Page

Enclosure A

**TAP Project No. PNW289
9367 Rainier Avenue S, Seattle, WA**

George Webb
January 24, 2024
8 | Page

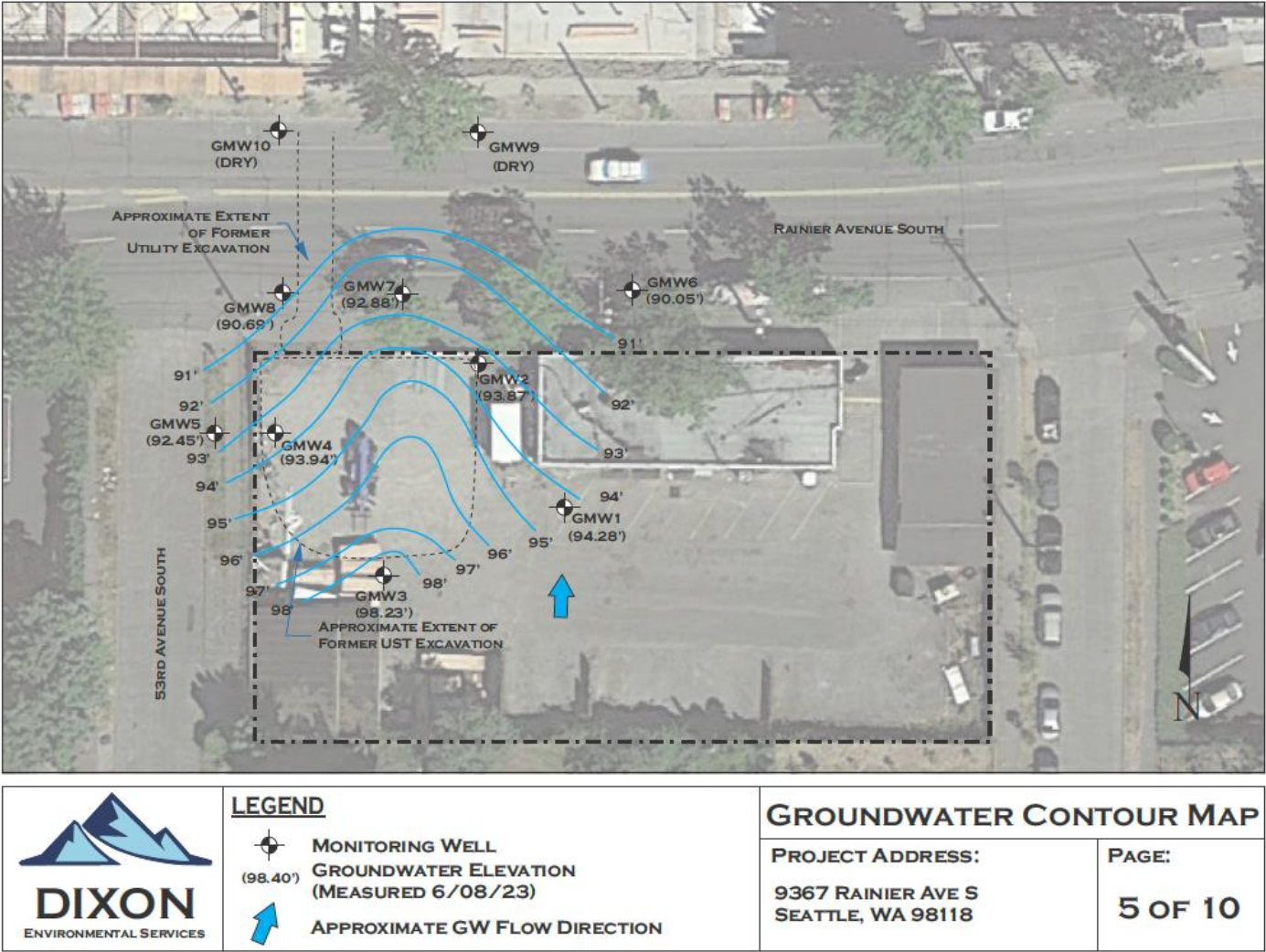
Figure 1: Site Location Map



Source: Remedial Investigation/ Focused Feasibility Study/Cleanup Action Plan, Dixon Environmental Services, June 28, 2023.

George Webb
January 24, 2024
9 | Page

Figure 2: Site Plan Map/Groundwater Elevation Contours



Source: Remedial Investigation/ Focused Feasibility Study/Cleanup Action Plan, Dixon Environmental Services, June 28, 2023.