STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

CERTIFIED MAIL

February 21, 2008

Mr. Jeffrey Vanderstelt
EPIC Partners LLC
1601 6th Avenue
Tacoma, WA 98405

Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: J. Marcel Building (formerly Juneau Street Associates Property)
- Address: 2320 Pacific Avenue, Tacoma
- Facility/Site No.: 28236738
- VCP No.: SW0911

Dear Mr. Vanderstelt:

Thank you for submitting your independent remedial action report for the J. Marcel Building facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

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

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Creative Environmental Technologies, Inc., **Underground Storage Tank Decommissioning and Closure In Place, 2320 Pacific Avenue South, Tacoma, Washington 98402,** February 28, 2000.

2. The Riley Group, Inc., **CML Phase I Environmental Site Assessment, Soma Building, 2320 to 2328 Pacific Avenue, Tacoma, Washington 98402,** December 5, 2006.

3. The Riley Group, Inc., **Preliminary Phase II Subsurface Investigation, Soma Building, 2320 to 2328 Pacific Avenue, Tacoma, Washington,** December 18, 2006.

4. The Riley Group, Inc., **Supplemental Phase II Subsurface Investigation, J. Marcel Building (Former Juneau Street Associates Property), 2320 to 2328 Pacific Avenue, Tacoma, Washington,** January 22, 2008.

The documents listed above will be kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. Appointments can be made by calling the SWRO resource contact at (360) 407-6365.

The Site is defined by the extent of contamination caused by the following release(s):

- Petroleum hydrocarbons and associated constituents in Soil, and Ground Water.

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

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Please note that this Site is subject to periodic review under WAC 173-340-420 because an institutional control has been placed on this property. Confirmational monitoring is required at the Site to enable periodic reviews and confirm the long-term effectiveness of the cleanup action. Ecology has approved the confirmational monitoring plan you submitted for the Site. The plan will be kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. If any portion of that plan is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site. If Ecology conducts a periodic review and determines that further action is required at the Site, then this opinion will automatically be rendered null and void.

This opinion is based on the continued effectiveness of the institutional control(s) required as part of the cleanup action for the Site under WAC 173-340-440. A copy of the Environmental Covenant(s) filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure B. If any portion of any Environmental Covenant is violated, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

Based on this no further action determination, Ecology will update the status of the Site on its site database and initiate the process for removing the Site from the Hazardous Sites List (HSL). Before deciding to remove the Site from the HSL, Ecology must first provide the public with notice and an opportunity to comment. If the Site is removed from the HSL, the Site will also be removed from the Confirmed and Suspected Contaminated Sites List.

This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Epic Partners, LLC or Mr. Jeff Vanderstelt.

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

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

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at (360) 407-6267.

Sincerely,

Charles S. Cline
SWRO Toxics Cleanup Program

CSC/ksc: Juneau Associates/J Marcel Bldg NFA

Enclosures: Enclosure A – text
Enclosure B – Environmental Covenant
4 Figures

Cc: Mr. Lannie Smith, The Riley Group, Inc.
Ms. Sharon Bell, Tacoma-Pierce County Health Dept.
Mr. Scott Rose, Ecology
Ms. Dolores Mitchell, Ecology

ENCLOSURE A

The Site, owned by Epic Partners LLC, and Soma Church, is a 0.48-acre rectangular lot. It is located at 2320 to 2328 Pacific Avenue, Tacoma, Pierce County, Washington. In November 2006, The Riley Group LLC (RGI) conducted a Phase I Environmental Site Assessment (ESA) for Washington Mutual Bank, which intends to provide funds for refinance of the Site building with no plans for redevelopment. The property includes a 21,000 square-foot (sq ft) two-story warehouse building, with partial basement, and occupies the entire 0.48-acre footprint. The building is currently heated by natural gas. The first floor of the building is currently occupied by AT&T Communications substation and Pacific Studios recording studio. The second story is currently occupied by Soma Church and a leased distribution warehouse. However, Tacoma-Pierce County Health Department (TPCHD) in their February 2007 Site Hazard Assessment (SHA) states that the second story is occupied by J. Marcel Enterprises and Olympic Uniforms, an apparel manufacturing business. The partial basement is vacant. The Site is located approximately 1,100 ft southwest of the Thea Foss Waterway. The land slopes generally to the east-northeast. Property use in the surrounding vicinity is commercial properties.

North of the Site is the Wingard air conditioning and heating contractor. East and beyond Pacific Avenue is the U.S. Bank property. South of the Site and beyond 24th Street is the Pierce County fleet maintenance facility. To the west and beyond Commerce Street is Pierce County Records and Jobbler Service Company automobile parts warehouse. The locations are shown on Figure 2 and attached photographs.

From State of Washington Department of Natural Resource (DNR) documents, shallow soils beneath the Site are mapped as Vashon Drift, which are described as undifferentiated, chiefly recessional and proglacial, stratified outwash sand and gravel, locally containing silt and clay. Shallow ground-water depth and flow direction beneath the Site are unknown. RGI has theorized that the shallow, perched ground water beneath the Site is within 10 ft below ground surface (bgs), and, generally, flows to the east-northeast, towards Commencement Bay. Current Site conditions would indicate that the subgrade basement lies below the water table.

The Site building was historically heated by a bunker C heating oil furnace. The former underground storage tank (UST) associated with the system is located beneath the Site building basement. The approximate location of the former UST is shown in Figure 2. Bunker C tanks are typically accompanied by a smaller, diesel "starter" tank, either as an above ground storage tank (AST) or as an UST.

On January 3, 2000, the City of Tacoma Resource Protection Program detected a slug of petroleum hydrocarbon contamination coming into the City of Tacoma central treatment plant located at 2201 Portland Avenue. The City of Tacoma dispatched two inspectors to locate the source of the material. The inspectors were able to trace the material to the City of Tacoma's Dock Street sanitary waste pump station, where a "significant amount of product was observed in the wet well." Samples of the oily material were collected and sent to the city's laboratory for analysis. The inspectors continued to trace the source of the material to the general area of the subject Site. Once the general area had been established, the inspectors began interviewing nearby businesses regarding recent spills and locations and conditions of USTs.

On January 4, 2000, sewer utility transmission crews used a video camera to trace the material through the storm sewer lines, and they were able to observe the oily material coming into the mainline via a specific side connection. The interviews with the local business owners led to the subject Site. The property owner's representative revealed that the oil was coming from two pipes that had been damaged during the removal of a boiler or furnace. According to a former Site owner or occupant, the UST system had been taken out of service in approximately December 1999. Over the course of that month, Bunker C product had reportedly been "oozing" from the cut product lines onto the basement floor and into an open drain. It is believed that the oil coming from the damaged pipes was being displaced by ground-water intrusion into the connecting UST. The oil leaking from the pipes was flowing into an open sump with a drain that discharges to the municipal storm sewer. City of Tacoma workers were able to create a concrete berm to contain the oil and capped the damaged pipes. Samples of the material were then obtained and analyzed. Laboratory analyses confirmed that the samples obtained from the Dock Street pump station and the furnace room were from the same source and were consistent with bunker C heating oil.

Initially, the property owner was offered the chance to make cleanup arrangements. However, due to the emergency situation, the City of Tacoma Sewer Utility decided to go forward with remediation of the sewer mainline. On January 6, 2000, the municipal sewer main along Pacific Avenue, from South 24th Street to South 21st Street was flushed, an estimated length of 2,500 ft. A cleanup and disposal contractor was hired by the City to remediate the Dock Street pump station and wet well. The flushing and cleanup could not be completed sufficiently to remove all contamination in the sewer main. However, no additional flushing has been conducted.

On January 13, 2000, Creative Environmental Technologies, Inc. (CETI) was hired by the property owner to decommission the leaking UST at the Site. The tank is situated under the building and was accessed by removing a section of the concrete

foundation. Once the concrete had been removed, it became apparent to CETI that the UST had been leaking for some time from the visibly impacted soil and ground water adjacent the UST. Due to the limited access, the TPCHD allowed the tank to be decommissioned in place. Approximately 3,000 gallons of bunker type oil and water were pumped from the UST, which was then filled with control-density slurry and capped. No soil and ground-water samples were collected at that time.

The TPCHD issued a letter to Mr. Lance Schubert of Juneau Street Associates, the former Site owner, on March 31, 2000, stating that "further investigation is required to determine the lateral and vertical extent of contamination onsite."

On June 25, 2002, the subject Site was listed on Ecology's Confirmed or Suspected Contaminated Sites database to await a SHA ranking. In April 2004, the former property owner submitted an application for Ecology's Voluntary Cleanup Program (VCP). On April 7, 2006, Ecology served a Notification of Pending Inactive Determination letter, and on May 9, 2006, the Site was subsequently removed from the VCP. In a letter, dated February 7, 2007, TPCHD notified Mr. Caesar Kalinoski and Epic Partners LLC and Church Soma that an SHA had been completed and the Site had been ranked a 5. The ranking scale ranges from 1 to 5, with 1 representing the highest relative risk and 5 the lowest relative risk.

Based on the Phase I ESA findings, a preliminary Phase II Subsurface Investigation was requested by Epic Partners, LLC, the current Site owner, to better define the nature of the Site soil and shallow ground-water quality beneath the Site building basement. Determination of the complete nature and extent of any contamination was not included in the scope of work.

RGI performed field work on December 7, 2006. Access to the floor slab was limited due to an elevated wood floor in the western half of the basement. Approximately 2 to 3 inches of standing water was noted in the northern and eastern portions of the Site basement. After RGI removed the wood flooring, a concrete cut (hole) was noted in the floor. The location of the cut corresponded with the previously reported location of the access for the former UST decommissioning (Figure 3). The concrete cut excavation appeared to be approximately 1 ft deep and filled with water. Ground water was noted to be flowing from the north end of the concrete cut onto the basement floor. A slight petroleum sheen was noted on the water in the concrete cut.

A total of three borings (HA-1 through HA-3) were installed to depths of 0.5 to 1 ft below the basement slab. Boring locations are shown in Figure 3. Borings HA-1 and HA-2 were advanced in an inferred cross-gradient and partially down-gradient direction of the former decommissioned UST. Boring HA-3 was advanced in soils

within the concrete cut excavation. Because of the time of the year (December), ground water filled the concrete cut excavation. The potentiometric surface of ground water at each sampling location was observed to be above the basement floor slab elevation, indicating confined conditions. Soil samples were collected from all boring locations, inspected, and field screened for the presence of semi-volatile organic compounds using a standard water sheen test. Soils collected from borings HA-1 and HA-2 showed no indications of petroleum hydrocarbons. Soil collected from the concrete cut (HA-3) exhibited a petroleum sheen when field tested. As stated in the scope of work, the objective of this investigation was to determine the presence of contamination in the soil and ground water and not determine the extent of any contamination that might be present.

A total of two soil samples and three ground-water samples were selected for laboratory analysis. Soil samples from HA-2 and HA-3 were selected for soil sample analysis. All of the ground-water grab samples from each boring were analyzed. Only the soil sample from HA-3 indicated the presence of total petroleum hydrocarbons (TPH) and carcinogenic polynuclear aromatic hydrocarbons (cPAHs). RGI reported a diesel TPH concentration of 450 milligram per kilogram (mg/kg) and a heavy oil TPH concentration of 570 mg/kg. The MTCA Method A soil cleanup levels for Unrestricted Land Use for diesel and heavy oil TPH are 2,000 mg/kg each. However, the soil sample also contained a total cPAH concentration of 6.83 mg/kg, above the MTCA Method A soil cleanup level of 0.1 mg/kg, even using toxicity equivalence factors (TEFs), which reduced the equivalent soil concentration to 1.577 mg/kg. The considerable presence of the cPAHs suggests that the TPH fraction in the sample is heavier than diesel range and may be all bunker C range petroleum hydrocarbons. These results were reported to TPCHD and were incorporated into the SHA. As a result of the Phase II investigation, the subject Site was again entered into the VCP and subsequently accepted on November 1, 2007.

On December 3, 2007, an opinion letter, dated November 9, 2007, was sent out by the State of Washington Department of Ecology (Ecology). This letter provided that sufficient samples had not been collected to define the full extent of contamination and further action would be required. As a result of this letter, RGI conducted a supplemental Phase II Site Investigation. RGI performed field work on December 7, 2007. A total of four test probes (SP1 through SP4) were advanced to depths of 12 to 20 ft bgs. Test probe locations are shown in Figure 4. Because of the zero lot line of the building relative to the property, all test probes were advanced within the sidewalk right-of-ways (ROWs). Complicating the placement of test probes were the numerous utilities located along Commerce Street and running into the building. Test probe SP1 was placed in the sidewalk ROW along Commerce Street, inferred to be up-gradient of the closed-in-place UST. Test probes SP2, SP3, and SP4 were placed

in the inferred down-gradient positions in the ROW along Pacific Avenue.

Soil conditions encountered are described as generally, gravelly, silty, fine to medium sand (reworked fill and/or weathered glacial till). Refusal was encountered during test probing at depths ranging from 12 to 16 ft bgs along Pacific Avenue and 21 ft bgs along Commerce Street, all due to very dense glacial till. Ground water was not encountered in test probe SP1 to the maximum depth achieved of 21 ft bgs. This bottom elevation is higher than the finished floor slab elevation in the property building basement. Figure 5 shows the configuration and elevations of this probe compared to the building and sidewalk ROW. Ground water was encountered in the test probes along Pacific Avenue perched above the dense glacial till layer at 9 to 10.5 ft bgs, below the elevation of the building basement floor slab. These relative elevations are shown in Figure 5. Ground-water samples were collected from the test probes using a peristaltic pump and disposable tubing.

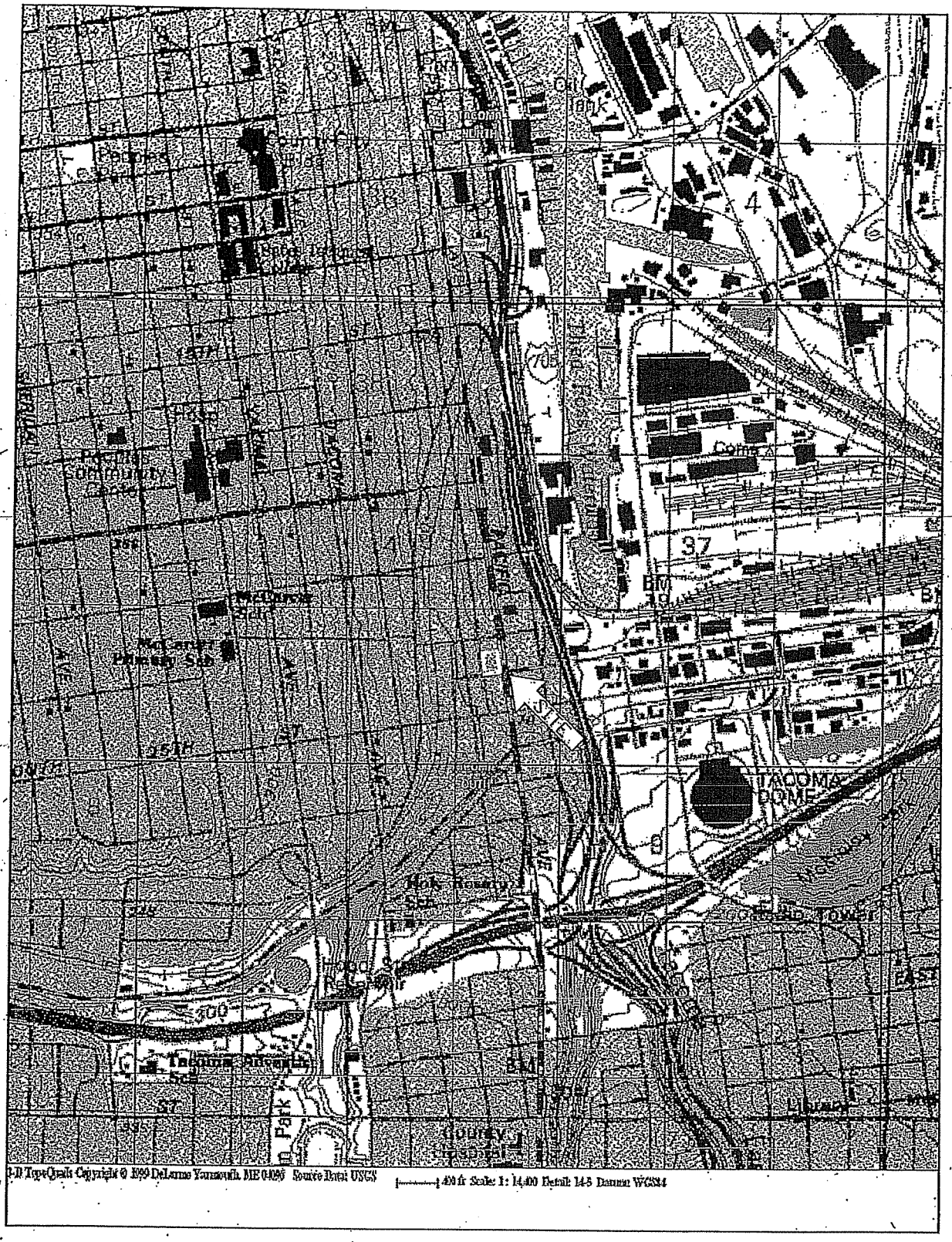
As during the preliminary Phase II, approximately 2 to 3 inches of standing water was encountered during the supplemental investigation in the northern and eastern portions of the building basement. Ground water was noted as flowing form the north end of the concrete cut above the closed-in-place UST onto the basement floor. Ground-water grab sample Soma-H2O-2 was collected directly from water flowing through the concrete cut.

Both soil and ground-water samples were submitted to On-Site Environmental, Inc. (On-Site) Laboratory of Redmond, Washington for laboratory analysis. On-Site is an Ecology-accredited, third-party analytical laboratory. A total of six soil samples and five ground-water samples were selected for laboratory analysis. All ground-water samples and select soil samples were analyzed for diesel- and oil-range TPH using Ecology Test Method NWTPH-Dx with silica gel cleanup. In addition, all of the soil and ground-water samples selected for laboratory analysis were analyzed for cPAHs using EPA Test Method 8270C- SIM.

Soil samples collected from test probe SP1 contained elevated concentrations of cPAHs ranging from 0.087 mg/kg to 1.53 mg/kg. The MTCA Method A soil cleanup level for unrestricted land use is 0.1 mg/kg for total cPAHs. Soil samples collected at 8 ft and 20 ft bgs are 0.22 and 1.53 mg/kg, respectively, above the MTCA cleanup level. However, upon additional assessment of the concentrations applying the TEFs as specified in MTCA, the concentrations are 0.064 mg/kg at 8 ft bgs, and 0.447 mg/kg at 20 ft bgs in SP1. Only the sample collected at 20 ft bgs exceeded the cPAH cleanup level during the Supplemental Phase II investigation. This depth is below the MTCA concern of direct contact pathway risk and becomes an issue of protection of ground water. All ground-water samples demonstrated levels below MTCA cleanup

standards

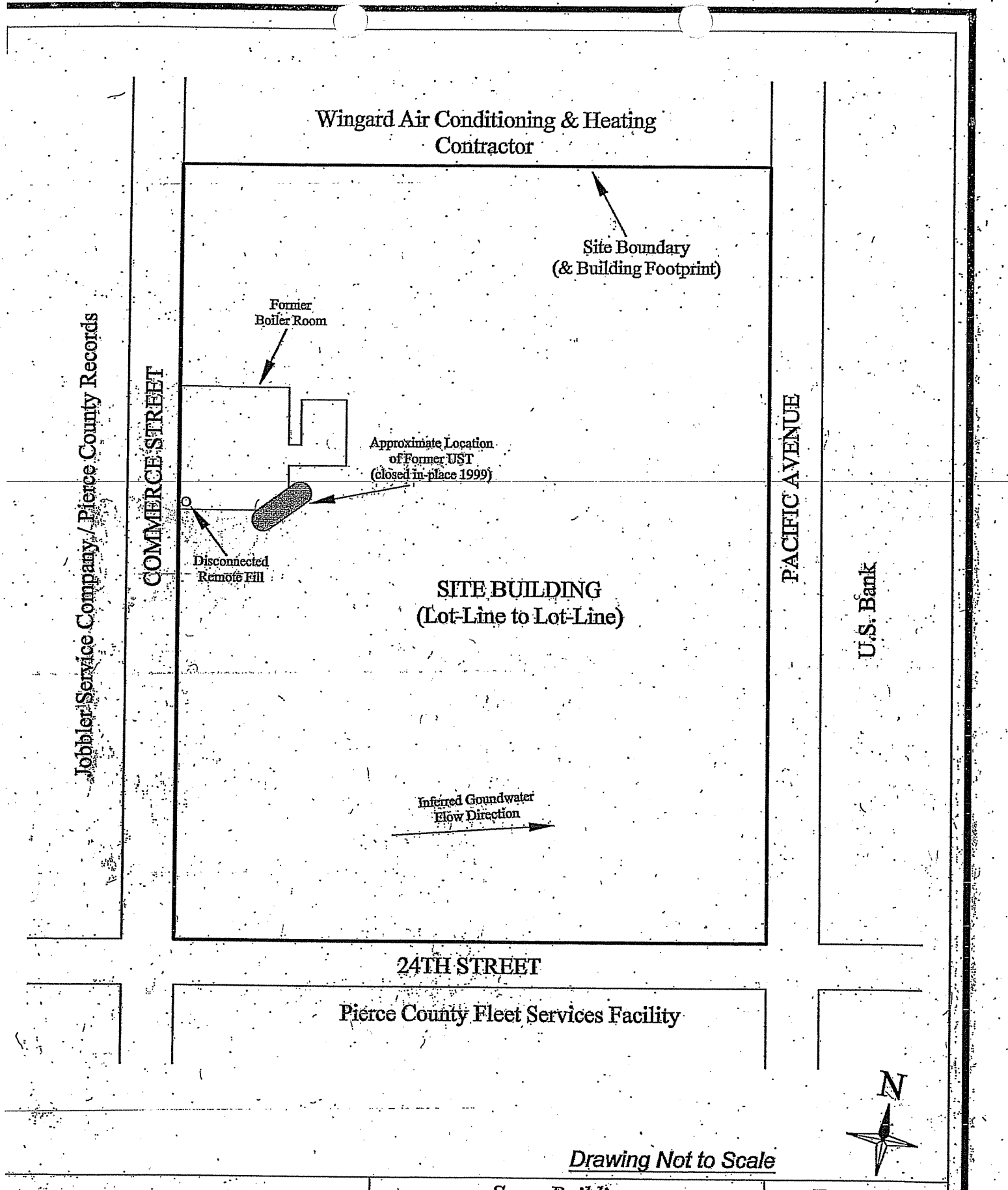
Analytical results are summarized in attached Tables 1 through 3. During the Preliminary Phase II investigation, concentrations of diesel- and oil-range TPH below MTCA Method A soil cleanup levels were noted in soil directly adjacent to the closed-in-place Bunker C UST at the property. However, petroleum hydrocarbons were not detected in any of the other soil or ground-water samples analyzed during either the Preliminary or Supplemental Phase II investigations. Elevated cPAH concentrations were noted in soils adjacent to the UST during the Preliminary Phase II investigation and at 20 ft bgs in the up-gradient test probe along Commerce Street. Ground-water grab sample Soma-H2O-2, collected in the building basement, contained cPAHs below the MTCA Method A ground-water cleanup level of 0.1 microgram per liter (ug/l). Based on both the Preliminary and Supplemental Phase II investigations, the Bunker C release to soil has not adversely affected shallow ground water beneath the property.



USGS, 1994, Tacoma South, Washington,
7.5x15-Minute Quadrangle

The Riley Group, Inc.
17522 BOTHELL WAY NE
BOTHELL, WASHINGTON 98011

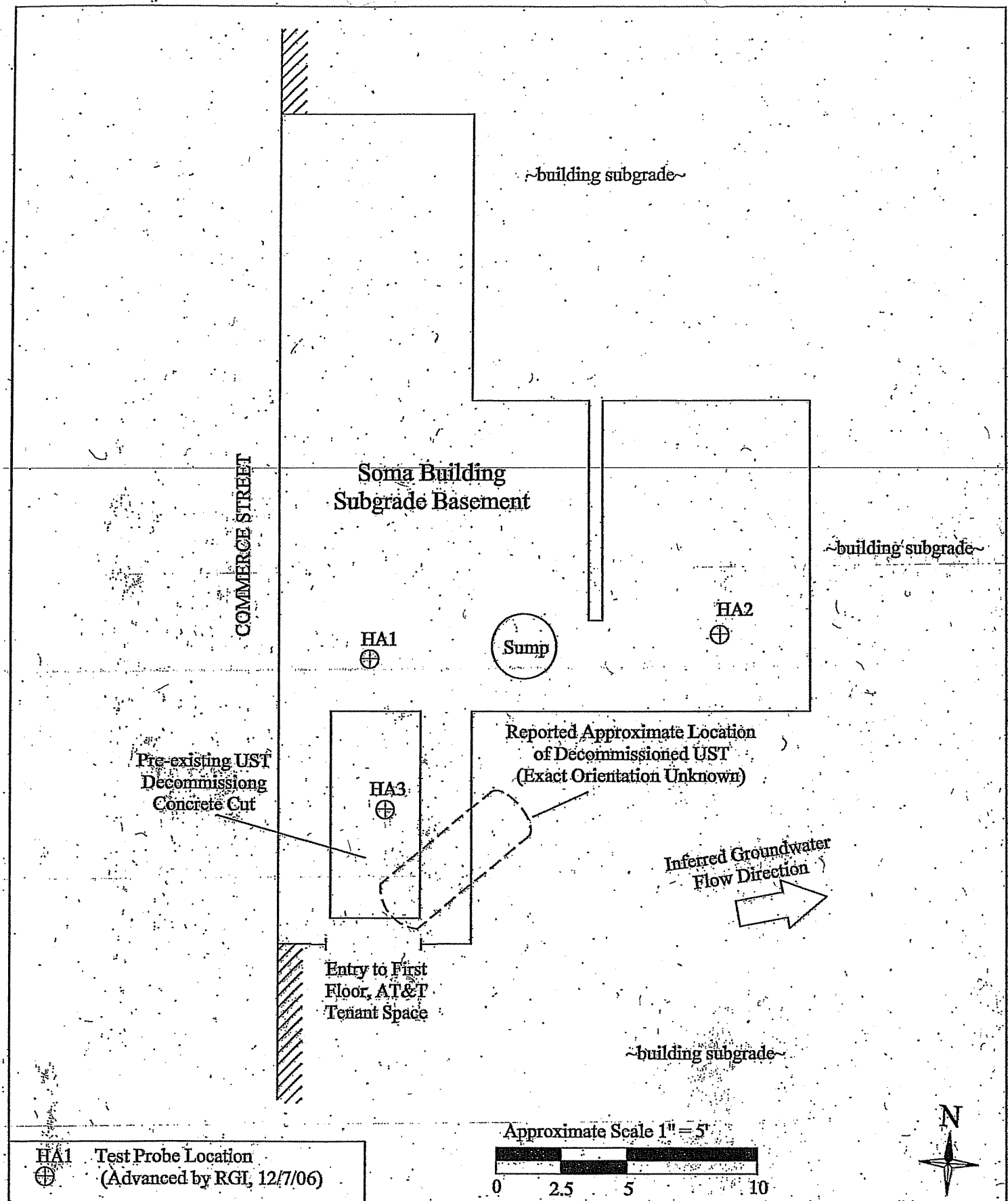
Soma Building		
Project #2006-232b	*Site Vicinity Map*	*Figure 1*
Site Address:2320 to 2328 Pacific Avenue, Tacoma, Washington.		



Drawing Not to Scale

The Riley Group, Inc.
17522 BOTHELL WAY NE
BOTHELL, WASHINGTON 98011

Soma Building		*Figure 2*
Project # 2006-232	*Site and Surrounding Area*	*Date Drawn: 11/30/06*
Site Address: 2320 & 2328 Pacific Avenue, Tacoma, Washington		

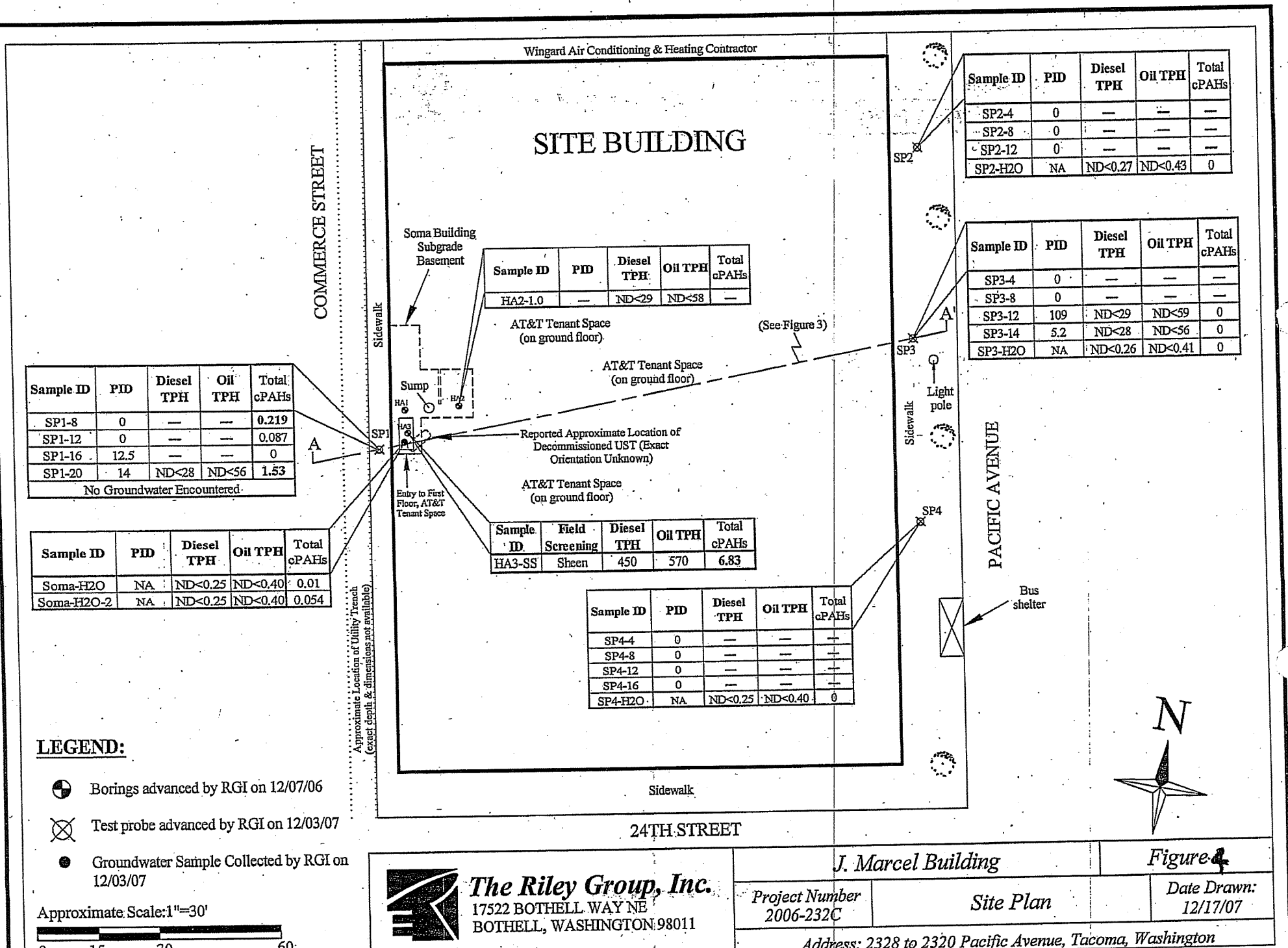


HA1 ⊕ Test Probe Location (Advanced by RGI, 12/7/06)

The Riley Group, Inc.
17522 Bothell Way NE
Bothell, WA 98011

Soma Building		*Figure 2*
Project #2006-232b	*Site Plan*	*Date Drawn: 12/11/06*

Address: 2320 to 2328 Pacific Avenue, Tacoma, Washington



Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
SP1-8	0	—	—	0.219
SP1-12	0	—	—	0.087
SP1-16	12.5	—	—	0
SP1-20	14	ND<28	ND<56	1.53
No Groundwater Encountered				

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
Soma-H2O	NA	ND<0.25	ND<0.40	0.01
Soma-H2O-2	NA	ND<0.25	ND<0.40	0.054

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
HA2-1.0	—	ND<29	ND<58	—

Sample ID	Field Screening	Diesel TPH	Oil TPH	Total cPAHs
HA3-SS	Sheen	450	570	6.83

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
SP2-4	0	—	—	—
SP2-8	0	—	—	—
SP2-12	0	—	—	—
SP2-H2O	NA	ND<0.27	ND<0.43	0

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
SP3-4	0	—	—	—
SP3-8	0	—	—	—
SP3-12	109	ND<29	ND<59	0
SP3-14	5.2	ND<28	ND<56	0
SP3-H2O	NA	ND<0.26	ND<0.41	0

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
SP4-4	0	—	—	—
SP4-8	0	—	—	—
SP4-12	0	—	—	—
SP4-16	0	—	—	—
SP4-H2O	NA	ND<0.25	ND<0.40	0

LEGEND:

- Borings advanced by RGI on 12/07/06
- Test probe advanced by RGI on 12/03/07
- Groundwater Sample Collected by RGI on 12/03/07

Approximate Scale:1"=30'

0 15 30 60

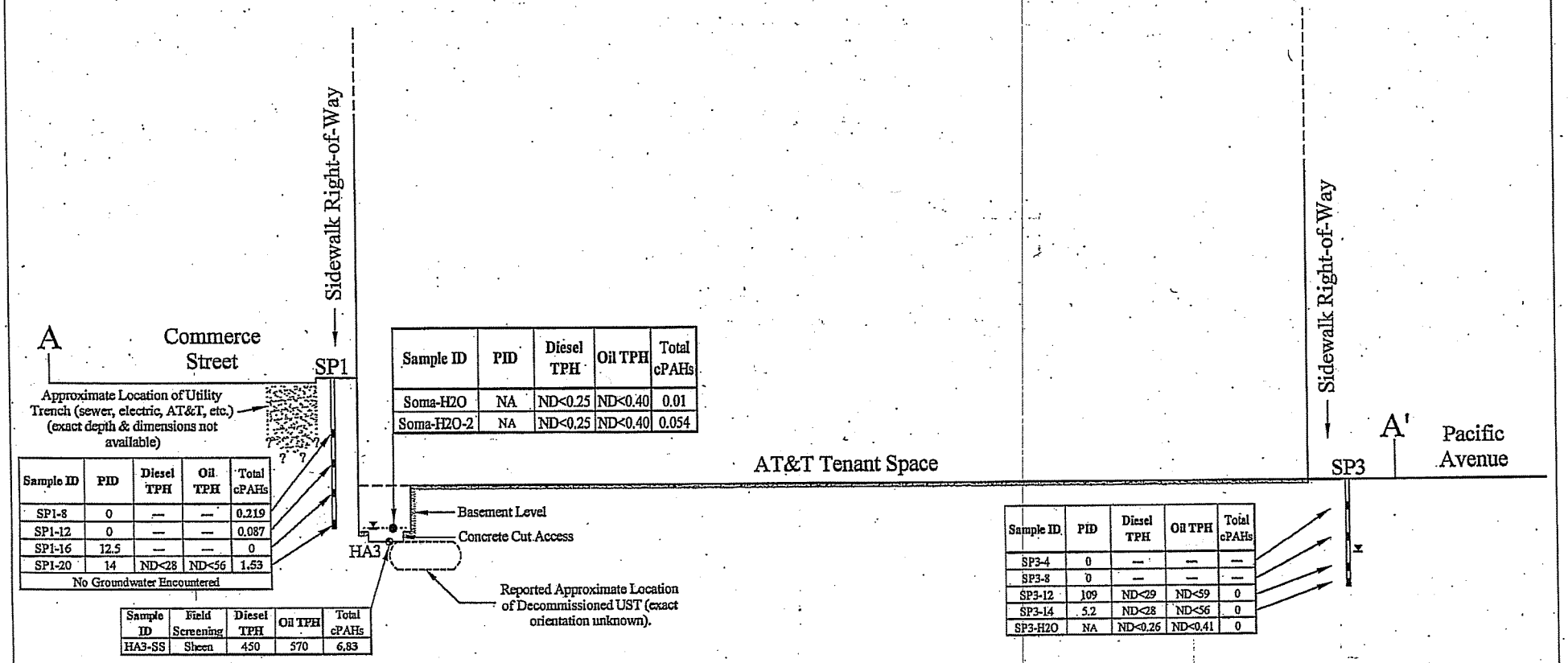
The Riley Group, Inc.
17522 BOTHELL WAY NE
BOTHELL, WASHINGTON 98011

J. Marcel Building | *Figure 4*

Project Number 2006-232C | *Site Plan* | *Date Drawn: 12/17/07*

Address: 2328 to 2320 Pacific Avenue, Tacoma, Washington

LOOKING NORTH



Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
SP1-8	0	—	—	0.219
SP1-12	0	—	—	0.087
SP1-16	12.5	—	—	0
SP1-20	14	ND<28	ND<56	1.53
No Groundwater Encountered				

Sample ID	Field Screening	Diesel TPH	Oil TPH	Total cPAHs
HA3-SS	Sheen	450	570	6.83

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
Soma-H2O	NA	ND<0.25	ND<0.40	0.01
Soma-H2O-2	NA	ND<0.25	ND<0.40	0.054

Sample ID	PID	Diesel TPH	Oil TPH	Total cPAHs
SP3-4	0	—	—	—
SP3-8	0	—	—	—
SP3-12	109	ND<29	ND<59	0
SP3-14	5.2	ND<28	ND<56	0
SP3-H2O	NA	ND<0.26	ND<0.41	0

LEGEND:

Borings advanced by RGI on 12/07/06

Groundwater Sample Collected by RGI on 12/03/07

Approximate Scale:1"=20'

0 10 20 40

The Riley Group, Inc.
17522 BOTHELL WAY NE
BOTHELL, WASHINGTON 98011

J. Marcel Building | *Figure 5*

Project Number	*Subject Building Cross Section*	*Date Drawn:*
2006-232C	*A-A' Facing North-Northwest*	*12/17/07*

Address: 2328 to 2320 Pacific Avenue, Tacoma, Washington

Table 1 - Summary of Soil Sample Analytical Results. J. Marcel Building.
2320 to 2328 Pacific Avenue, Tacoma, WA 98402
Riley Group, Inc. Project #2006-232c

Sample ID	Sample Date	Sample Depth (in feet bgs)	PID (vppm)[1]	Diesel TPH	Oil TPH	Carcinogenic PAHs (cPAHs)							
						Benzo(a)-pyrene	Chrysene	Dibenzo(a,h)-anthracene	Indeno(1,2,3-cd)pyrene	Benzo(k)-fluoranthene	Benzo(a)-anthracene	Benzo(b)-fluoranthene	Total cPAHs
Preliminary Phase II Sampling Event													
HA2-1.0	12/7/2006	1	---	ND<29	ND<58	---	---	---	---	---	---	---	---
HA3-SS	12/7/2006	1	---	450	570	1.1	1.8	0.22	0.53	0.38	1.5	1.3	6.83
Supplemental Phase II Sampling Event													
SP1-8	12/3/2007	8	0	---	---	0.047	0.034	0.011	0.053	0.0096	0.025	0.039	0.2186
SP1-12	12/3/2007	12	0	---	---	0.019	0.02	ND<0.0087	0.014	ND<0.0087	0.014	ND<0.0087	0.087
SP1-16	12/3/2007	16	12.5	---	---	ND<0.0081	ND<0.0081	ND<0.0081	ND<0.0081	ND<0.0081	ND<0.0081	ND<0.0081	0
SP1-20	12/3/2007	20	14	ND<28	ND<56	0.34	0.28	0.045	0.25	0.095	0.2	0.32	1.53
SP2-4	12/3/2007	4	0	---	---	---	---	---	---	---	---	---	---
SP2-8	12/3/2007	8	0	---	---	---	---	---	---	---	---	---	---
SP2-12	12/3/2007	12	0	---	---	---	---	---	---	---	---	---	---
SP3-4	12/3/2007	4	0	---	---	---	---	---	---	---	---	---	---
SP3-8	12/3/2007	8	0	---	---	---	---	---	---	---	---	---	---
SP3-12	12/3/2007	12	109	ND<29	ND<59	ND<0.0078	ND<0.0078	ND<0.0078	ND<0.0078	ND<0.0078	ND<0.0078	ND<0.0078	0
SP3-14	12/3/2007	14	5.2	ND<28	ND<56	ND<0.0074	ND<0.0074	ND<0.0074	ND<0.0074	ND<0.0074	ND<0.0074	ND<0.0074	0
SP4-4	12/3/2007	4	0	---	---	---	---	---	---	---	---	---	---
SP4-8	12/3/2007	8	0	---	---	---	---	---	---	---	---	---	---
SP4-12	12/3/2007	12	0	---	---	---	---	---	---	---	---	---	---
SP4-16	12/3/2007	16	0	---	---	---	---	---	---	---	---	---	---
MTCA Method A Soil Cleanup Levels			---	2,000	2,000	---	---	---	---	---	---	---	0.100

Unless noted otherwise all results given in milligrams per kilogram (mg/kg), approximately equivalent to parts per million (ppm).
[1] Soil samples were screeened in the field using a photoionization detector (PID). Results are given in volumetric parts per million (vppm).
Diesel TPH = diesel total petroleum hydrocarbons determined using Ecology Test Method NWTPH-Dx with silica gel cleanup.
Oil TPH = oil total petroleum hydrocarbons determined using Ecology Test Method NWTPH-Dx with silica gel cleanup.
Carcinogenic PAHs = polynuclear aromatic hydrocarbons determined using EPA Test Method 8270C / SIM.
--- = not analyzed, or not applicable
ND, contaminant not detected at noted analytical detection limit.
MTCA = Model Toxics Control Act Method A Soil Cleanup Levels for Unrestricted Land Use (WAC 173-340-900, Table 740-1).
Bold and highlighted concentrations, if any, are at or above the applicable MTCA Soil Cleanup Level.

Table 2 - Summary of Groundwater Grab Sample Analytical Results. J. Marcel Building.
2320 to 2328 Pacific Avenue, Tacoma, WA 98402
Riley Group, Inc. Project #2006-232c

Sample ID	Sample Date	Depth to Groundwater (feet bgs)	Diesel TPH	Oil TPH	Carcinogenic PAHs (cPAHs)							
					Benzo(a)-pyrene	Chrysene	Dibenzo(a,h)-anthracene	Indeno(1,2,3-cd)pyrene	Benzo(k)-fluoranthene	Benzo(a)-anthracene	Benzo(b)-fluoranthene	Total cPAHS
Preliminary Phase II Sampling Event												
Soma-H_2O	12/7/2006	---[1]	ND<0.25	ND<0.40	ND<0.0095	ND<0.0095	ND<0.0095	ND<0.0095	ND<0.0095	0.01	ND<0.0095	0.01
Supplemental Phase II Sampling Event												
Soma-H2O-2	12/3/2007	---[1]	ND<0.25	ND<0.40	ND<0.010	0.02	ND<0.010	ND<0.010	ND<0.010	0.02	0.014	0.054
SP2-H2O	12/3/2007	10.5	ND<0.27	ND<0.43	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	ND<0.017	0
SP3-H2O	12/3/2007	9.5	ND<0.26	ND<0.41	ND<0.011	ND<0.011	ND<0.011	ND<0.011	ND<0.011	ND<0.011	ND<0.011	0
SP4-H2O	12/3/2007	9	ND<0.25	ND<0.40	ND<0.018	ND<0.018	ND<0.018	ND<0.018	ND<0.018	ND<0.018	ND<0.018	0
MTCA Method A Cleanup Levels			500	500	---	---	---	---	---	---	---	0.1

Unless noted otherwise all results given in micrograms per liter (ug/L), approximately equivalent to parts per billion (ppb).
[1] Sample was collected from water flowing into the basement from the concrete cut area above the former UST.
Diesel TPH = diesel total petroleum hydrocarbons determined using Ecology Test Method NWTPH-Dx with silica gel cleanup.
Oil TPH = oil total petroleum hydrocarbons determined using Ecology Test Method NWTPH-Dx with silica gel cleanup.
Carcinogenic PAHs = polynuclear aromatic hydrocarbons determined using EPA Test Method 8270C / SIM.
--- = not analyzed, or not applicable
ND, contaminant not detected at noted analytical detection limit.
MTCA = Model Toxics Control Act Method A Groundwater Cleanup Levels (WAC 173-340-900, Table 720-1).
Bold and highlighted concentrations, if any, are at or above the applicable MTCA Cleanup Level.

Table 3 - Assessing the Carcinogenic Risk of Mixtures Using Toxicity Equivalence Factors.
J. Marcel Building, 2320 to 2328 Pacific Avenue, Tacoma, Washington

	Soil Sample: SP1-8			Soil Sample: SP1-20		
cPAHs	Measured Soil Concentration (mg/kg)	Toxicity Equivalence Factor (unitless)	Toxicity Equivalent Soil Concentration (mg/kg)	Measured Soil Concentration (mg/kg)	Toxicity Equivalence Factor (unitless)	Toxicity Equivalent Soil Concentration (mg/kg)
Benzo[a]pyrene	0.047	1.00	0.047	0.340	1.00	0.340
Benzo[a] anthracene	0.025	0.10	0.003	0.200	0.10	0.020
Benzo[b] fluoranthene	0.039	0.10	0.004	0.320	0.10	0.032
Benzo[k] fluoranthene	0.010	0.10	0.001	0.095	0.10	0.010
Chrysene	0.034	0.01	0.000	0.280	0.01	0.003
Dibenz[a,h]anthracene	0.011	0.40	0.004	0.045	0.40	0.018
Indeno[1,2,3-cd] pyrene	0.053	0.10	0.005	0.250	0.10	0.025
Total	**0.219**		**0.064**	**1.530**		**0.447**
Method B Cleanup Level			**0.137**			**0.137**

Notes:

Unless otherwise noted, all analytical results are given in milligrams per kilogram (mg/kg), equivalent to parts per million (ppm).

cPAHs = Carcinogenic Polynuclear Aromatic Hydrocarbons determined using EPA Test Method 8270c

Method B = Ecology Model Toxics Control Act (MTCA) Method B Soil Cleanup Level for benzo[a]pyrene. Cleanup Levels and Risk Calculations under the MTCA Cleanup Regulation, CLARC.

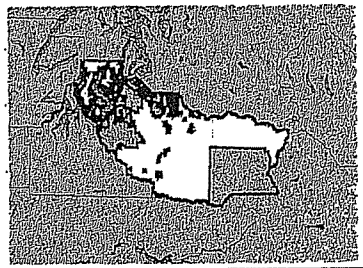
Juneau St. Associates, 2320 Pacific Avenue

MAP LEGEND

Tax Parcels*
Roads - All*

N

Scale 1:934



11:57 Apr 21, 2004

Pierce County
Geographic Information Services


Microsoft Virtual Earth
S 23rd St
S 23rd St
509
Commerce St
Pacific Ave
S Holgate St
S Hood St
S 24th St
S 24th St
Tacoma
S 24th St
509
©2007 Microsoft Corp.
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200802200746 5 PGS
02/20/2008 2:32pm $46.00
PIERCE COUNTY, WASHINGTON

After Recording Return to:

Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

Environmental Covenant

Reference Number(s) of Related Documents: n/a

Grantor: Epic Partners, LLC, a Washington limited liability company

Grantee: State of Washington, Department of Ecology

Legal: Lots 6 to 12, inclusive, Block 2304 of the Tacoma Land Company's First Addition to Tacoma, W.T.

Tax Parcel No.: 2023040030

Grantor, Epic Partners, LLC, a Washington limited liability company, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this 20th day of February, 2008, in favor of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Epic Partners, LLC, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

The City of Tacoma determined that petroleum hydrocarbons had entered the City sewer via a floor drain/sump in the floor of the subject property building basement. The source of the petroleum was determined to be cut product lines associated with an abandoned Bunker C oil underground storage tank (UST) located beneath the building basement. The UST was subsequently decommissioned in-place with control- density fill by the former

owner. Consequently, a remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following documents:

- *Underground Storage Tank Decommissioning and Closure In Place, 2320 Pacific Avenue South, Tacoma, Washington*, February 28, 2000, Creative Environmental Technologies, Inc.
- *CML Phase I Environmental Site Assessment, Epic Building, 2320 to 2328 Pacific Avenue South, Tacoma, Washington*, December 5, 2006, The Riley Group, Inc.
- *Preliminary Phase II Subsurface Investigation, Epic Building, 2320 to 2328 Pacific Avenue South, Tacoma, Washington*, December 18, 2006, The Riley Group, Inc.
- *Supplemental Phase II Subsurface Investigation, J. Marcel Building (Former Juneau Street Associates Property), 2320 to 2328 Pacific Avenue South, Tacoma, Washington*, June 22, 2008, The Riley Group, Inc.

These documents are on file at Ecology's Southwest Regional Office.

In addition, compliance monitoring is required as part of this environmental covenant. A compliance monitoring plan and schedule has been attached as part of this environmental covenant. See attached plan: **Groundwater Compliance Monitoring Plan, J. Marcel Building Property (Former Juneau Street Associates Property), 2320 to 2328 Pacific Avenue, Tacoma, Washington, RGI Project 2006-232c, VCP #: SW0911**

This Covenant is required because the Remedial Action resulted in residual concentrations of carcinogenic polynuclear aromatic compounds (cPAHs) which exceed the Model Toxics Control Act Method A and B Cleanup Level(s) for soil established under WAC 173-340-740.

The undersigned, Epic Partners, LLC, is the fee owner of real property (hereafter "Property") in the County of Pierce, State of Washington, that is subject to this Covenant. The Property is legally described as follows:

> Lots 6 to 12, inclusive, in Block 2304 of the Tacoma Land Company's First Addition to Tacoma, W.T., according to Plat

thereof filed for record July 7, 1884 in the office of the County Auditor.

Situate in the City of Tacoma, County of Pierce, State of Washington.

Assessor's Property Tax Parcel Number: 2023040030.

Epic Partners, LLC makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains cPAH contaminated soil located immediately adjacent to the former closed-in-place underground storage tank beneath the building basement. The building basement is centrally located along the western Property boundary. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

EPIC PARTNERS, LLC

Jeffrey T. Vanderstelt, Member

Dated: 2/20/2008

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Marian L. Abbett for Rebecca Lawson

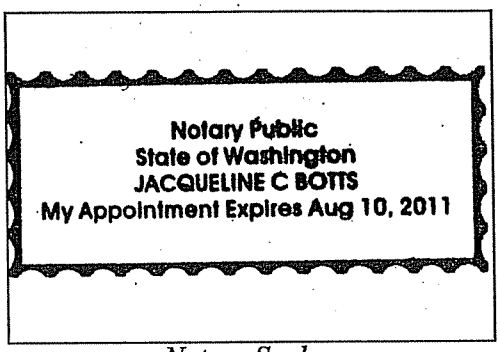
Ms. Rebecca Lawson
Section Manager – Toxics Cleanup Program Southwest Regional Office

Dated: 2/19/08

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

I certify that I know or have satisfactory evidence that **Jeffrey T. Vanderstelt** is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a **Member** of **EPIC PARTNERS, LLC, a Washington limited liability company**, to be the free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 20 day of February; 2008.



Notary Seal

Jacqueline C. Botts
Jacqueline C. Botts (Name)
NOTARY PUBLIC in and for the State of Washington residing at: Tacoma, Washington
My Commission Expires: Aug 10, 2011