



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 7, 2017

Letter to File
NWRO Central Records
3190 160th Avenue SE
Bellevue, WA 98008

Re: VCP Application for the following Site:

- **Site Name:** Buca Di Beppo Ducati
- **Site Address:** 701 9th Avenue N, Seattle, WA 98109
- **Cleanup Site ID:** 13006
- **Facility/Site ID:** 84466254

Letter to File:

The Department of Ecology (Ecology) received your Voluntary Cleanup Program (VCP) application for the Buca Di Beppo Ducati facility (Site). We applaud your initiative and appreciate your interest in the VCP. However, we have decided not to accept your application.

Reasons

We did not accept your application because the Site is too complex to be managed under the VCP, which is designed for simpler sites and more routine cleanups. When making this determination, Ecology considered several factors, including whether the Site involves:

- Significant or immediate threats to human health or the environment.
- Multiple releases that have commingled.
- Media other than soil or groundwater.
- Multiple parcels of real property.
- Unreasonable restoration timeframes.
- Significant public interests.

This Site is too complex because it involves multiple releases that have comingled and multiple parcels of real property. Ecology placed the application on hold on November 21, 2015 and the rejection was discussed in meetings held in Ecology NWRO in January and May 2016.




Letter to File
March 7, 2017
Page 2

Next Steps

You are welcome to proceed with independent remedial actions at the Site. If you are interested in entering into an Agreed Order or Consent Decree with Ecology, please contact Louise Bardy at (425) 649.7209 or lbar461@ecy.wa.gov.

Sincerely,



Sonia Fernández
VCP Coordinator
Toxics Cleanup Program, NWRO

cc: Ecology Site File



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March 3, 2016

Bill Pollard & Jim Neal
W-T 701 Holdings VII LLC
c/o Talon
720 Olive Way, Ste 1020
Seattle, WA 98101

Re: EARLY NOTICE LETTER: Facility Site # 84466254

Buca di Beppo Ducati
701 9th Ave N
Seattle, WA 98109
Parcels: 4088803435
Cleanup Site # 1300

Dear Mr. Pollard & Mr. Neal

This letter is sent to you because the Department of Ecology (Ecology) has gathered regulatory information under the Model Toxics Control Act regarding suspected contaminated sites. It is Ecology's decision to address the site as a contaminated by hazardous materials site.

Enclosed is a data summary regarding the current site status. You may find more information for this site, here: <https://fortney.wa.gov>. Please note that inclusion on the list of potentially liable persons represents a notification that an area of concern exists. Cleanup action will need to be done to comply with Washington State laws and regulations.

Because of considerable potential liability, please be advised to carefully consider any investigation or cleanup actions and to carefully document steps taken independent of Ecology's involvement. Guidance documents to help conduct an independent cleanup are available if you are interested in this option. In proceeding with an independent cleanup, please be aware there are requirements in State law which must be met. Some of these requirements are addressed in WAC 173-340-120(8)(B) and -300(4).

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the back of this card so that we can return the card to you.
- Attach this card to the back of the envelope or on the front if space permits.

1. Article Addressed to:

BILL POLLARD & JIM NEAL
W-T 701 HOLDINGS
C/O TALON
720 OLIVE WAY, STE 1020
SEATTLE, WA 98101

2. Article Number:
(Transfer from service label)

PS Form 3811, February 2004

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Buca di Beppo Ducati Duckys E

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total Postage & Fees
Sent To
Street, Apt. No., or PO Box No.
City, State, ZIP+4
BILL POLLARD & JIM NEAL
W-T 701 HOLDINGS VII LLC
C/O TALON
720 OLIVE WAY, STE 1020
SEATTLE, WA 98101

PS Form 3800, August 2003
Domestic Return Receipt
102595-02-M-15



Ecology will use the appropriate requirements contained throughout MTCA in its evaluation of the adequacy of any independent remedial (cleanup) actions performed. Ecology has a strong commitment to work cooperatively with individuals to accomplish prompt and effective investigations and site cleanups. However, due to limited resources and requirements in State law, we are not able to provide all the assistance requested. Your cooperation in planning or conducting a cleanup action is not an admission of guilt or liability.

If an independent cleanup action is undertaken, and a formal review of the work is desired, a report may be submitted to Ecology through the Voluntary Cleanup Program. This program was established in response to the public's need for Ecology to more rapidly review cleanup actions. A fee has been established to support this review process. Guidance documents to help conduct an independent cleanup are available on our website (<http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>) if you are interested in this option.

If a cleanup action is undertaken and a formal review of the work is not desired at this time, then the information should be submitted to Ecology in order to document any assessment or cleanup activities. If no report is available, but work is in progress or anticipated, a description of these plans would be helpful in updating the site record.

If an independent cleanup action does not occur on this property, Ecology will conduct a more detailed inspection at a future time that may include testing for contamination. After that, Ecology will assess what action is needed and establish a priority for that work under the formal MTCA cleanup process. At that time, the potentially liable person(s) would be determined and would be responsible for cleanup costs, including State oversight.

Should you have any questions regarding this letter or if you would like a copy of Chapter 70.105D RCW (The Model Toxics Control Act), the implementing regulations, Chapter 173-340 WAC, that detail these requirements, or a guidance document, please contact Diane Escobedo at (425) 649-7097 or desc461@ecy.wa.gov. Thank you in advance for your cooperation.

Sincerely,

 *For Louise Bardy*

Louise Bardy
Voluntary Cleanup Unit Supervisor
Toxics Cleanup Program

Enclosure: Data Summary Report

By Certified Mail [7011 0470 0003 3682 2703]



INITIAL INVESTIGATIVE FIELD REPORT

ERTS Number: N/A
Parcel #(s): 4088803435 & 4088803440
County: King
FSID #: 84466254
CSID #: 13006

SITE INFORMATION

Site Name (Name over door): Buca di Beppo Ducati	Site Address (including City, State and Zip): 701 9th Ave N Seattle, WA 98109	Phone/email:
Site Contact, Title, Business: Charles Cacek, SoundEarth Strategies	Site Contact Address (including City, State and Zip): 2811 Fairview Ave. East, Seattle, WA 98102	Phone/email: 206-436-5904
Site Owner, Title, Business: W-T 701 Holdings VII, LLC	Site Owner Address (including City, State and Zip):	Phone/email:
Site Owner Contact, Title, Business: Bill Pollard and Jim Neal W-T 701 Holdings VII, LLC c/o Talon	Site Owner Contact Address (including City, State and Zip): 720 Olive Way , Suite 1020 Seattle, WA 98101	Phone/email: pollard@talonprivate.com ; neal@talonprivate.com
Previous Site Owner(s):	Additional Info:	
Alternate Site Name(s): Seattle Motor Sports	Additional Info:	

Latitude (Decimal Degrees):	47.62587
Longitude (Decimal Degrees):	-122.34018

INSPECTION INFORMATION

Inspection Conducted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Date/Time:	Entry Notice: Announced <input type="checkbox"/> Unannounced <input type="checkbox"/>
Photographs taken? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Samples collected? Yes <input type="checkbox"/> No <input type="checkbox"/>		

RECOMMENDATION

No Further Action (Check appropriate box below): Release or threatened release does not pose a threat <input type="checkbox"/> No release or threatened release <input type="checkbox"/> Refer to program/agency (Name: _____) <input type="checkbox"/> Independent Cleanup Action Completed (contamination removed) <input type="checkbox"/>	LIST on Confirmed and Suspected Contaminated Sites List: <input checked="" type="checkbox"/>
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COMPLAINT (Brief Summary of ERTS Complaint):

Property became known to Ecology when VCP application was received on 11/20/2015.

CURRENT SITE STATUS (Brief Summary of why Site is recommended for Listing or NFA):

As part of the planning process for property redevelopment a Remedial Investigation and Cleanup Action Plan was completed by SoundEarth Strategies. Petroleum and heavy metals impacts above the MTCA Method A Cleanup levels were identified in some areas of the property (vehicle maintenance area). A reference to a Phase I in the report also identified the potential presence of an abandoned UST that may have been closed in place. The property is located on an area known to have ground water impacts from an upgradient source (American Linen Supply Co Dexter Ave) of dry cleaner solvents.

Investigator: T. Cardona	Date Submitted: March 2, 2016
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OBSERVATIONS

Description (If site visit made, please be sure to include the following: site observations, site features and cover, chronology of events, sources/past practices likely responsible for contamination, presence of water supply wells and other potential exposure pathways, etc.):

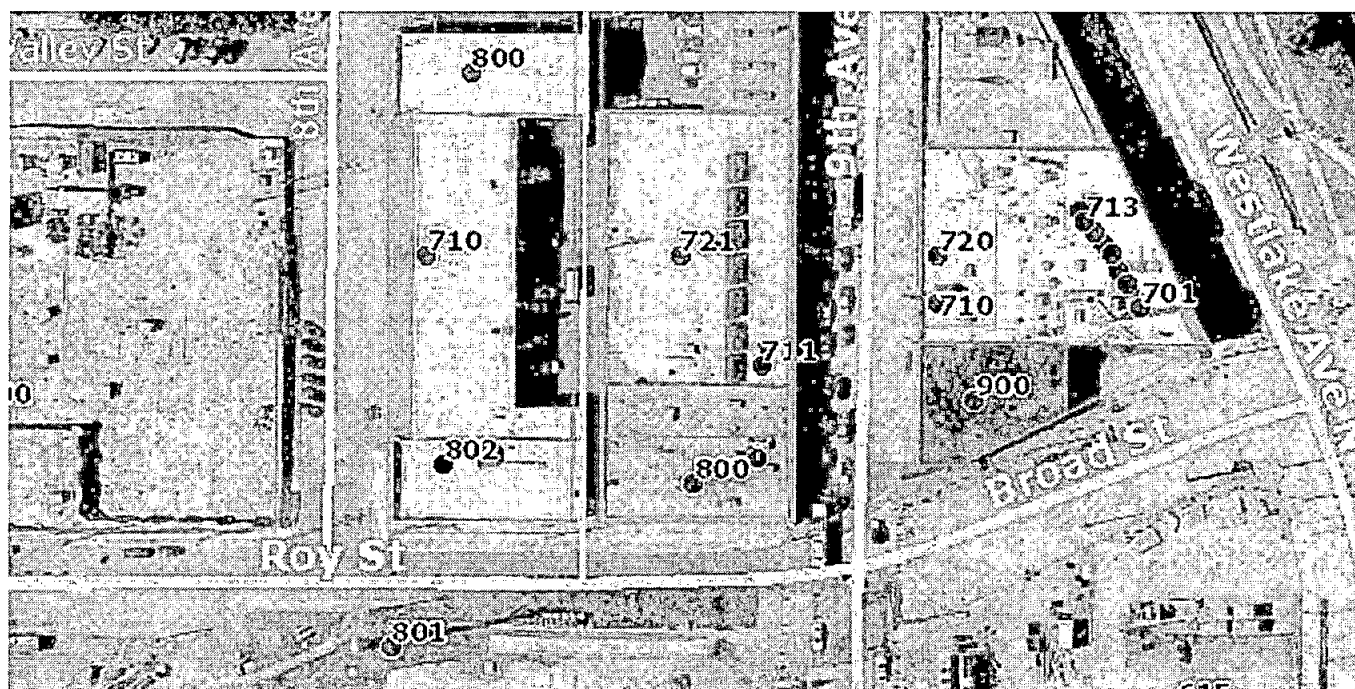
Document reviewed:

- SoundEarth Strategies, Remedial Investigation and Cleanup Action Plan, November 19, 2015.

The property currently occupied by Buca di Beppo and Ducati is undergoing redevelopment. A Remedial Investigation and Cleanup Action Plan submitted to Ecology indicates that the area of the property where vehicle maintenance was conducted contains areas impacted with diesel range organics, heavy oil, lead and mercury in soil at concentrations above the MTCA Method A cleanup levels. No investigation was completed in the area below the restaurant footprint.

Ground water impacts were not assessed during the remedial investigation, however, the general area of the property is known to be impacted with chlorinated solvents (PCE, TCE, DCE and vinyl chloride) from an upgradient source, the American Linen Supply Co. Dexter Ave. site.

A previous investigation referenced in the report indicates that ground water was impacted with total petroleum hydrocarbons and diesel range hydrocarbons in 1992, and that the soil had concentrations of total petroleum, gasoline and diesel range hydrocarbons above their applicable cleanup levels.



(fill in contaminant matrix below with appropriate status choice from the table below the table)

CONTAMINANT GROUP	CONTAMINANT						DESCRIPTION
		SOIL	GROUNDWATER	SURFACE WATER	AIR	BEDROCK	
Non-Halogenated Organics	Phenolic Compounds						Compounds containing phenols (Examples: phenol; 4-methylphenol; 2-methylphenol)
	Non-Halogenated Solvents						Organic solvents, typically volatile or semi-volatile, not containing any halogens. To determine if a product has halogens, search HSDB (http://toxnet.nlm.nih.gov/cgi-bin/sis/htmlgen?HSDB) and look at the Chemical/Physical Properties, and Molecular Formula. If there is not a Cl, I, Br, F in the formula, it's not halogenated. (Examples: acetone, benzene, toluene, xylenes, methyl ethyl ketone, ethyl acetate, methanol, ethanol, isopropanol, formic acid, acetic acid, stoddard solvent, Naptha). <i>Use this when TEX contaminants are present independently of gasoline.</i>
	Polynuclear Aromatic Hydrocarbons (PAH)						Hydrocarbons composed of two or more benzene rings.
	Tributyltin						The main active ingredients in biocides used to control a broad spectrum of organisms. Found in antifouling marine paint, antifungal action in textiles and industrial water systems. (Examples: Tributyltin; monobutyltin; dibutyltin)
	Methyl tertiary-butyl ether						MTBE is a volatile oxygen-containing organic compound that was formerly used as a gasoline additive to promote complete combustion and help reduce air pollution.
	Benzene						Benzene
	Other Non-Halogenated Organics						TEX
	Petroleum Diesel	C	C				Petroleum Diesel
	Petroleum Gasoline	C	S				Petroleum Gasoline
	Petroleum Other	C					Oil range organics
Halogenated Organics (see notes at bottom)	PBDE						Polybrominated di-phenyl ether
	Other Halogenated Organics						Other organic compounds with halogens (chlorine, fluorine, bromine, iodine). search HSDB (http://toxnet.nlm.nih.gov/cgi-bin/sis/htmlgen?HSDB) and look at the Chemical/Physical Properties, and Molecular Formula. If there is a Cl, I, Br, F in the formula, it is halogenated. (Examples: Hexachlorobutadiene; hexachlorobenzene; pentachlorophenol)
	Halogenated solvents		S				PCE, chloroform, EDB, EDC, MTBE
	Polychlorinated Biphenyls (PCB)						Any of a family of industrial compounds produced by chlorination of biphenyl, noted primarily as an environmental pollutant that accumulates in animal tissue with resultant pathogenic and teratogenic effects
	Dioxin/dibenzofuran compounds (see notes at bottom)						A family of more than 70 compounds of chlorinated dioxins or furans. (Examples: Dioxin; Furan; Dioxin TEQ; PCDD; PCDF; TCDD; TCDF; OCDD; OCDF). <i>Do not use for 'dibenzofuran', which is a non-chlorinated compound that is detected using the semivolatile organics analysis 8270</i>
Metals	Metals - Other						Cr, Se, Ag, Ba, Cd
	Lead	C					Lead
	Mercury	C					Mercury
	Arsenic						Arsenic
Pesticides	Non-halogenated pesticides						Pesticides without halogens (Examples: parathion, malathion, diazinon, phosmet, carbaryl (sevin), fenoxycarb, aldicarb)
	Halogenated pesticides						Pesticides with halogens (Examples: DDT; DDE; Chlordane; Heptachlor; alpha-beta and delta BHC; Aldrin; Endosulfan, dieldrin, endrin)

CONTAMINANT		GROUNDWATER	SLURRY	AIR	SEDIMENT	DEFINITION
Other Contaminants	Radioactive Wastes					Wastes that emit more than background levels of radiation.
	Conventional Contaminants, Organic					Unspecified organic matter that imposes an oxygen demand during its decomposition (Example: Total Organic Carbon)
	Conventional Contaminants, Inorganic					Non-metallic inorganic substances or indicator parameters that may indicate the existence of contamination if present at unusual levels (Examples: Sulfides, ammonia)
	Asbestos					All forms of Asbestos. Asbestos fibers have been used in products such as building materials, friction products and heat-resistant materials.
	Other Deleterious Substances					Other contaminants or substances that cause subtle or unexpected harm to sediments (Examples: Wood debris; garbage (e.g., dumped in sediments))
	Benthic Failures					Failures of the benthic analysis standards from the Sediment Management Standards.
	Bioassay Failures					For sediments, a failure to meet bioassay criteria from the Sediment Management Standards. For soils, a failure to meet TEE bioassay criteria for plant, animal or soil biota toxicity.
Reactive Wastes	Unexploded Ordnance					Weapons that failed to detonate or discarded shells containing volatile material.
	Other Reactive Wastes					Other Reactive Wastes (Examples: phosphorous, lithium metal, sodium metal)
	Corrosive Wastes					Corrosive wastes are acidic or alkaline (basic) wastes that can readily corrode or dissolve materials they come into contact with. Wastes that are highly corrosive as defined by the Dangerous Waste Regulation (WAC 173-303-090(6)). (Examples: Hydrochloric acid; sulfuric acid; caustic soda)

Status choices for contaminants	
Contaminant Status	Definition
B - Below Cleanup Levels (Confirmed)	The contaminant was tested and found to be below cleanup levels. (Generally, we would not enter each and every contaminant that was tested; for example if an SVOC analysis was done we would not enter each SVOC with a status of "below". We would use this for contaminants that were believed likely to be present but were found to be below standards when tested)
S - Suspected	The contaminant is suspected to be present; based on some knowledge about the history of the site, knowledge of regional contaminants, or based on other contaminants known to be present
C - Confirmed Above Cleanup Levels	The contaminant is confirmed to be present above any cleanup level. For example - above MTCA method A, B, or C; above Sediment Quality Standards; or above a presumed site-specific cleanup level (such as human health criteria for a sediment contaminant).
RA - Remediated - Above	The contaminant was remediated, but remains on site above the cleanup standards (for example - capped area).
RB - Remediated - Below	The contaminant was remediated, and no area of the site contains this contaminant above cleanup standards (for example - complete removal of contaminated soils).

Halogenated chemicals and solvents: Any chemical compound with chloro, bromo, iodo or fluoro is halogenated; those with eight or fewer carbons are generally solvents (e.g. halogenated methane, ethane, propane, butane, pentane, hexane, heptane or octane) and may also be used for or registered as pesticides or fumigants. Most are dangerous wastes, either listed or categorical. Organic compounds with more carbons are almost always halogenated pesticides or a contaminant or derivative. Referral to the HSDB is recommended you are unfamiliar with a chemical name or compound, as it contains useful information about synonyms, uses, trade names, waste codes, and other regulatory information about most toxic or potentially toxic chemicals.

Dibenzodioxins and dibenzofurans are normalized to a combined equivalent toxicity based on 2,3,7,8-tetrachloro-p-dibenzodioxin as set out in Ch. 173-340-708(8)(d) and in the Evaluating the Toxicity and Assessing the Carcinogenic Risk of Environmental Mixtures using Toxicity Equivalency Factors Focus Sheet (<https://fortress.wa.gov/ecy/clarc/FocusSheets/tef.pdf>). Results may be reported as individual compounds and isomers (usually lab results), or as a toxic equivalency value (reports).

FOR ECOLOGY II REVIEWER USE:

(For Listing Sites):

How did the Site come to be known: Site Discovery (received a report): 11/20/15 (Date Report Received)
 ERTS Complaint
 Other (please explain): _____

Does an Early Notice Letter need to be sent: Yes No
 If No, please explain why: _____

NAICS Code (if known): _____
 Otherwise, briefly explain how property is/was used (i.e., gas station, dry cleaner, paint shop, vacant land, etc.):

Site Unit(s) to be created (Unit Type): Upland (includes VCP & LUST) Sediment
 If multiple Units needed, please explain why: _____

Cleanup Process Type (for the Unit): No-Process Independent Action
 Voluntary Cleanup Program Ecology-supervised or conducted
 Federal-supervised or conducted

Site Status: Awaiting Cleanup Construction Complete – Performance Monitoring
 Cleanup Started Cleanup Complete – Active O&M/Monitoring
 No Further Action Required

Site Manager (Default: Donna Musa): Diane Escobedo

Specific confirmed contaminants include:

G, D, O, lead, mercury in Soil
D in Groundwater
 _____ in Other (specify matrix: _____)

Facility/Site ID No. (if known):
84466254
 Cleanup Site ID No. (if known):
13006

COUNTY ASSESSOR INFO: Please attach to this report a copy of the tax parcel/ownership information for each parcel associated with the site, as well as a parcel map illustrating the parcel boundary and location.

Parcel Number	408880-3435
Name	W-T 701 HOLDINGS VII LLC
Site Address	701 9TH AVE N 98109
Legal	LAKE UNION SHORE LANDS ADD LOT 1 LYING E OF ALLEY

Parcel Number	408880-3440
Name	W-T 701 HOLDINGS VII LLC
Site Address	701 9TH AVE N 98109
Legal	LAKE UNION SHORE LANDS ADD LOTS 2 THRU 4 & S 18.28 FT OF LOT 5 ALL LYING E OF ALLEY TGW PORTION VACATED STREET ADJ



SoundEarth Strategies, Inc.
2811 Fairview Avenue East, Suite 2000
Seattle, Washington 98102

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TCP - NWRO

November 20, 2015

Ms. Sonia Fernandez, Voluntary Cleanup Program
Washington State Department of Ecology
3190 – 160th Avenue Southeast
Bellevue Washington, 98008-5452

SUBJECT: VOLUNTARY CLEANUP PROGRAM SUBMITTAL
Buca Di Beppo/Ducati Property Remedial Investigation and
Cleanup Action Plan
701 – 9th Avenue
Seattle, Washington
Project Number: 1154-001-01

Dear Ms. Fernandez:

This letter presents SoundEarth Strategies, Inc.'s (SoundEarth) Remedial Investigation and Cleanup Action Plan report for the Buca Di Beppo/Ducati Property, located at 701 – 9th Avenue in Seattle, Washington. SoundEarth is presenting this report to Washington State Department of Ecology (Ecology) for entry into the Voluntary Cleanup Program (VCP). Attached are the report, and signed copies of the VCP application form, VCP agreement, and Request for Opinion form. We are requesting an opinion as to the sufficiency to obtain a No Further Action Likely determination for a property-specific cleanup.

Please contact me confirming your receipt of the attachments. We look forward to Ecology's review and written opinion of the report. Please call me at 206-436-5904 if you have any questions or need additional information.

Respectfully,

SoundEarth Strategies, Inc.

Charles C. Cacek, LEG #836
Associate Geologist

Attachments: VCP Application Form
VCP Agreement
Request for Opinion Form
Buca Di Beppo/Ducati Property Remedial Investigation and Cleanup Action Plan, dated
November 19, 2015



Voluntary Cleanup Program

Washington State Department of Ecology
Toxics Cleanup Program

REQUEST FOR OPINION FORM

Use this form to request a written opinion on your planned or completed independent remedial action under the Voluntary Cleanup Program (VCP). Attach to this form the plans or reports documenting the remedial action. Please submit only one form for each request.

Step 1: IDENTIFY HAZARDOUS WASTE SITE

Please identify below the hazardous waste site for which you are requesting a written opinion under the VCP. This information may be found on the VCP Agreement.

Facility/Site Name: Buca di Beppo / Ducati Property

Facility/Site Address: 701 9th Avenue North, Seattle, Washington

Facility/Site No: _____ VCP Project No.: _____

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Step 2: REQUEST WRITTEN OPINION ON PLAN OR REPORT

What type of independent remedial action plan or report are you submitting to Ecology for review under the VCP? Please check all that apply.

- Remedial investigation plan
- Remedial investigation report
- Feasibility study report
- Property cleanup* plan (* cleanup of one or more parcels located within the Site)
- Property cleanup* report
- Site cleanup plan
- Site cleanup report
- Other – please specify:

Do you want Ecology to provide you with a written opinion on the planned or completed independent remedial action?

Yes No

Please note that Ecology's opinion will be limited to:

- Whether the planned or completed remedial action at the site meets the substantive requirements of the Model Toxics Control Act (MTCA), and/or
- Whether further remedial action is necessary at the site under MTCA.

Step 3: REPRESENTATIONS AND SIGNATURE

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to request services from Ecology under the Agreement for this VCP Project.

Name: Charles Cacek

Title: Associate Geologist

Signature: 

Date: 11-20-2015

Organization: Soundearth Strategies, Inc.

Mailing address: 2811 Fairview Avenue East, Suite 2000

City: Seattle

State: WA

Zip code: 98102

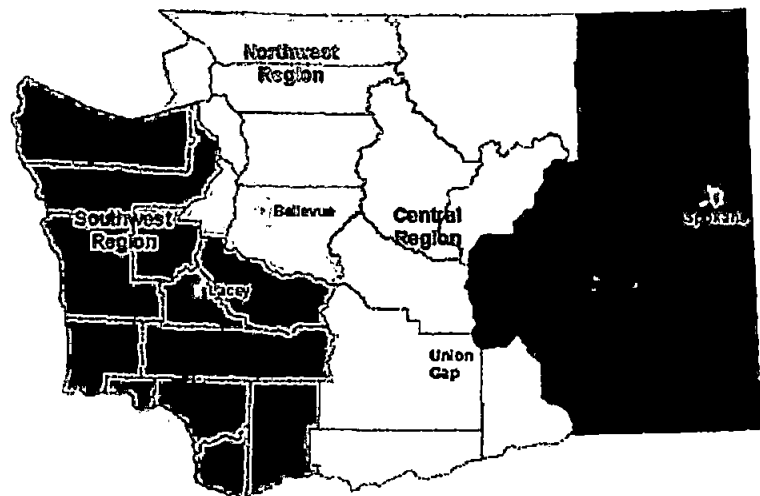
Phone: 206-306-1900

Fax: 206-306-1907

E-mail: ccacek@soundearthinc.com

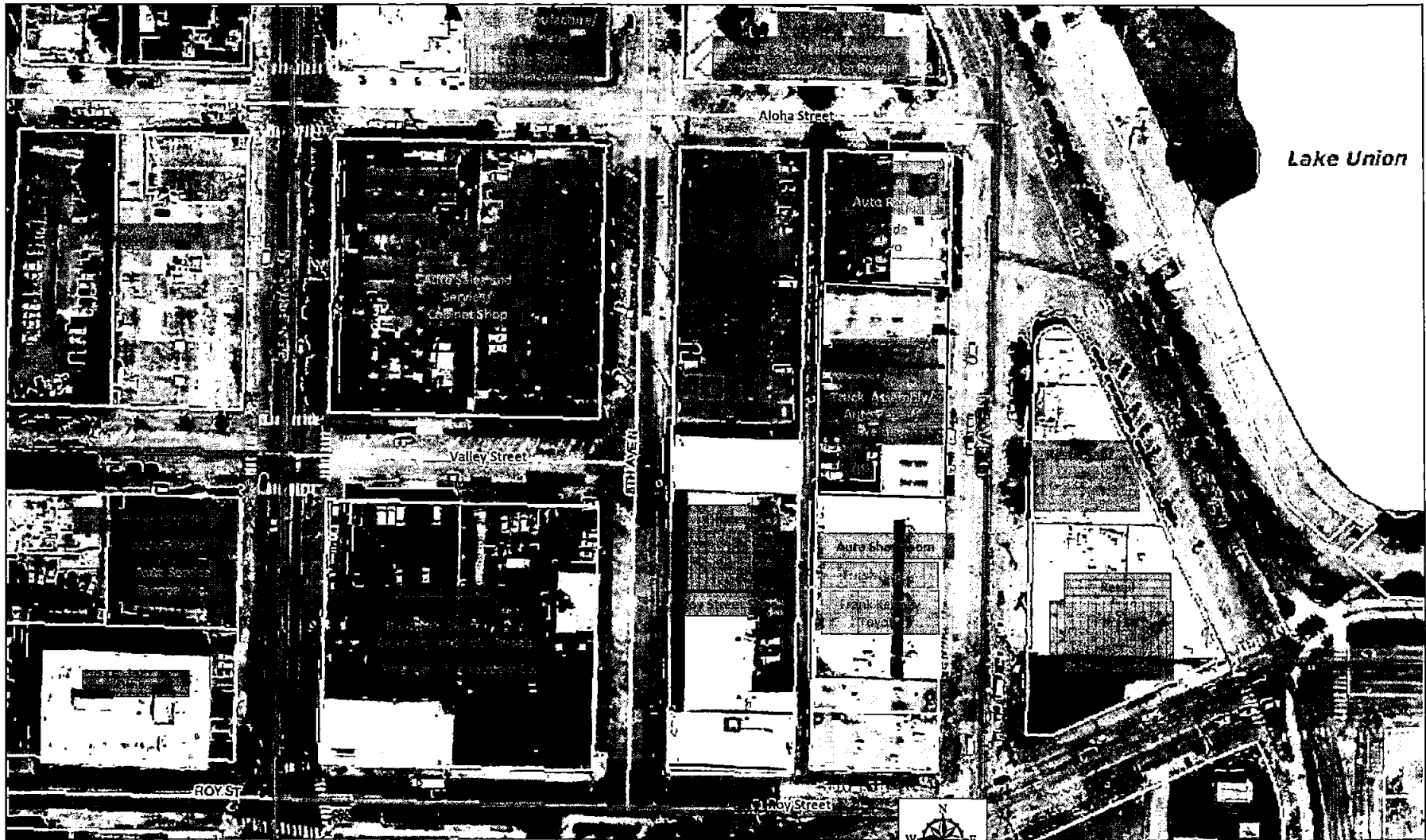
Step 4: SUBMITTAL

Please mail your completed form and the independent remedial action plan or report that you are requesting Ecology review to the site manager Ecology assigned to your Site. If a site manager has not yet been assigned, please mail your completed form to the Ecology regional office for the County in which your Site is located.





Northwest Region: Attn: VCP Coordinator 3190 160 th Ave. SE Bellevue, WA 98008-5452	Central Region: Attn: VCP Coordinator 1250 West Alder St. Union Gap, WA 98903-0009
Southwest Region: Attn: VCP Coordinator P.O. Box 47775 Olympia, WA 98504-7775	Eastern Region: Attn: VCP Coordinator N. 4601 Monroe Spokane WA 99205-1295


If you need this publication in an alternate format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



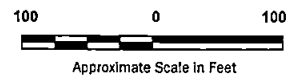
Lake Union

 Approximate Subject Property Boundary

 Approximate Former Gas Station Location

 Parcel Boundaries

Current site use is identified in PINK
 Historical site use is identified in GREEN
 Ecology cleanup site names are identified in ORANGE



Historic Site and Adjacent Property Features

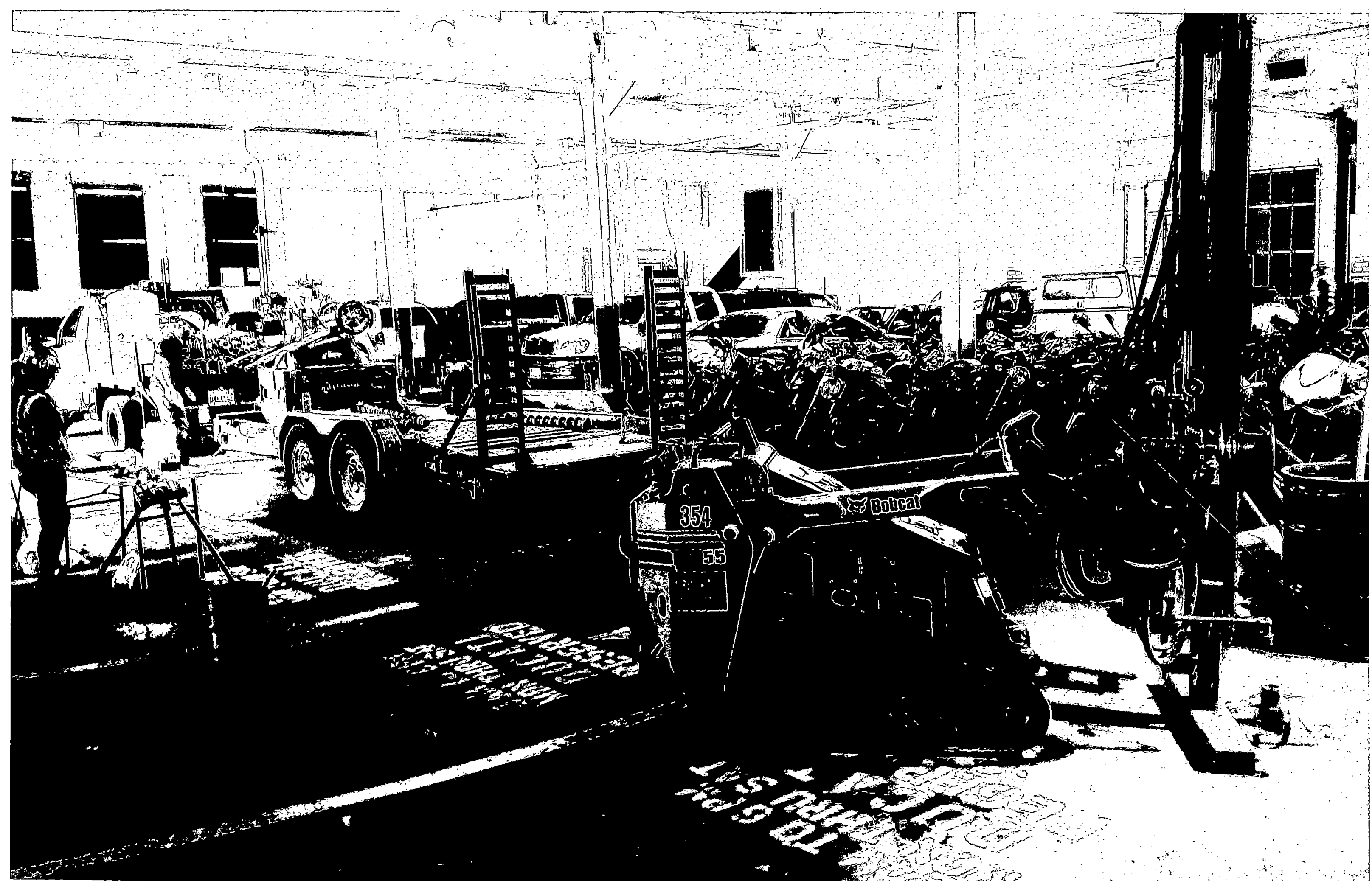
South Lake Union Marriott AC
 739 9th Avenue North
 Seattle, Washington

GEOENGINEERS 

Figure 2

201776-003.00

Source: 2009 aerial photograph from King County IMAP





Voluntary Cleanup Program

Washington State Department of Ecology
Toxics Cleanup Program

APPLICATION FORM

Under the Voluntary Cleanup Program (VCP), the Department of Ecology (Ecology) may provide informal site-specific technical consultations to persons conducting independent remedial actions at a hazardous waste site. Ecology may provide such consultations under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC.

To enter the VCP, complete and submit to Ecology a VCP Application. The Application consists of the following two documents:

1. Application Form (including required attachments). ← THIS DOCUMENT
2. Agreement.

For guidance on how to complete your Application, please refer to the Application Instructions which are available separately on the VCP web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm.

RECEIVED

NOV 20 2015

DEPT OF ECOLOGY
TCP INFO

Part 1 - ADMINISTRATION

A. Customer Information. The Customer is the person or organization requesting services from Ecology under the VCP, and is responsible for paying the costs incurred by Ecology. The authority and duty of the Customer are explained in the Agreement.

Name of Customer: W-T 701 Holdings VII, LLC

What type of entity is the Customer?

Person

If the Customer is a "person," then the Customer shall serve as both the Project Manager and the Project Billing Contact. Please identify this person and their contact information in both Parts 1B and 1C.

Organization

If the Customer is an "organization," then please identify the Project Manager in Part 1B and the Project Billing Contact in Part 1C. Both persons must be employed by the Customer organization.

What is the Customer's involvement at the Site? Please check all that apply.

Property owner

Business owner (operator)

Past property owner

Mortgage holder

Future property owner

Consultant

Property lessee

Attorney

Other – please specify: _____

If not the current property owner, is the Customer acting as the agent for the property owner?

Yes No

If not the current property owner, is the Customer authorized to grant access to the property?

Yes No

Part 1 – ADMINISTRATION continued

B. Project Manager Information. Ecology will send this person all official correspondence. This person must either be the Customer or be employed by the Customer. This person may not be an independent contractor hired by the Customer. Please enter the required information below.

Name: Bill Pollard and Jim Neal		Title:
Mailing address: W-T 701 Holdings VII, LLC c/o Talon 720 Olive Way, Suite 1020		
City: Seattle	State: WA	Zip: 98101
Phone: (206) 607-2550	Fax:	E-mail: pollard@talonprivate.com neal@talonprivate.com

C. Project Billing Contact Information. Ecology will send this person monthly invoices. This person must either be the Customer or be employed by the Customer. This person may not be an independent contractor hired by the Customer. Please enter the required information below.

Name: Bill Pollard and Jim Neal		Title:
Mailing address: W-T 701 Holdings VII, LLC c/o Talon 720 Olive Way, Suite 1020		
City: Seattle	State: WA	Zip: 98101
Phone: (206) 607-2550	Fax:	E-mail: pollard@talonprivate.com neal@talonprivate.com

D. Project Consultant Information.

Is the Customer a consultant?
 Yes *If you answered "YES," then skip to the next question.*
 No *If you answered "NO" and the Customer hired a consultant to conduct the independent remedial action, then enter the required information below.*

Name: Charles Cacek		Title: Project Manager
Organization: SoundEarth Strategies, Inc.		
Mailing address: 2811 Fairview Avenue East, Suite 2000		
City: Seattle	State: WA	Zip: 98102
Phone: 206-306-1900	Fax: 206-306-1907	E-mail: ccacek@soundearthinc.com

Do you want Ecology to contact the Project Consultant?
 Yes No

E. Property Owner Information.

Is the Customer the owner of the property where independent remedial action is being conducted?
 Yes *If you answered "YES," then enter the type of entity and skip to the next question.*
 No *If you answered "NO," then please enter all of the required information below.*

Name:		Title:
Organization:		
Mailing address:		
City:	State:	Zip:
Phone:	Fax:	E-mail:

Part 1 – ADMINISTRATION continued

What type of entity is the property owner? Please check only one.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Private | <input type="checkbox"/> County |
| <input type="checkbox"/> Tribal | <input type="checkbox"/> Municipal |
| <input type="checkbox"/> Federal | <input type="checkbox"/> Mixed |
| <input type="checkbox"/> State | <input type="checkbox"/> Public School |
| <input type="checkbox"/> Other – please specify: _____ | |

F. Request for Written Opinion.

Are you requesting a written opinion at this time?

- Yes No

If you answered "YES," on what planned or completed remedial action do you want a written opinion?
Planned excavation from lot-line to lot-line as part of redevelopment. The planned cleanup action
would include off-property soil disposal, dewatering with treatment of groundwater as applicable, and
installation of a vapor barrier as part of the construction of the new building.

We are requesting an opinion on the likelihood that the proposed cleanup will result in a Property
Specific no further action determination by Ecology.

Please attach to this Application any additional remedial action plans or reports you want Ecology to review. Ecology will base its opinion on the information contained in the Site file, including any information attached to this Application.

If you answered "NO," please explain why you are enrolling in the VCP at this time and when you expect to request a written opinion from Ecology.

Attach additional pages if necessary.

G. Reporting Requirements.

Please comply with the following reporting requirements when requesting written opinions on planned or completed remedial actions:

- Licensing.** Documents submitted containing geologic, hydrologic, or engineering work must be under the seal of an appropriately licensed professional, as required by Chapters 18.43 and 18.220 RCW.
- Data Submittal.** Environmental sampling data must be submitted in both a printed form and an electronic form capable of being transferred into Ecology's data management systems. For instructions on how to submit the data, please refer to the following Ecology web site:
www.ecy.wa.gov/programs/tcp/data_submittal/Data_Requirements.htm.

Failure to comply with these requirements may result in unnecessary delays. **Ecology will not issue a No Further Action (NFA) opinion unless these requirements are satisfied.**

Part 2 - DESCRIPTION OF THE SITE

A. Name of the Site. If Ecology has already identified the Site, enter the name provided by Ecology. Otherwise, enter a suggested name for the Site. You may also include an alternate name.

Name: Buca di Beppo Property

Alternate Name: Ducati Property

B. Location of Property where the Releases Occurred (Source Property).

The "source property" is the property where hazardous substances were released into the environment. For example, if petroleum was released from a leaking UST, the source property is the property where the UST was located.

Do you know on which property the releases occurred?

- Yes *If you answered "YES," then please refer to the source property when answering the following questions.*
- No *If you answered "NO," then please refer to the property addressed by your remedial action (cleanup) when answering the following questions.*

Physical Address. Please enter the physical address of the property below.

Street Address: 701 9th Avenue North

City: Seattle

State: WA

Zip: 98109

Geographic Position. Please enter the geographical position of the property below. For additional guidance on how to complete this part, please refer to instructions on the VCP web site.

COORDINATES	LATITUDE:	Degrees: 47	Minutes: 37	Seconds: 32.0628
	LONGITUDE :	Degrees: -122	Minutes: 20	Seconds: 24.4824
LOCATION ON PROPERTY: [e.g., point of release or center of parcel]		Northwestern portion of Property		
COLLECTION METHOD: [e.g., GPS or address matching]		Address matching, google earth		
COLLECTION SOURCE: [i.e., map scale]		Google earth		
HORIZONTAL DATUM: [i.e., base reference for coordinate system]		WGS84		
ACCURACY LEVEL: [i.e., +/- feet or meters]		+/- 10 meters		

Legal Descriptions.

TRS DATA:	Township: 25 N	Range: 4 E	Section: 30	Quarter-Quarter: NE
TAX PARCEL #(s):	408880-3435 and 408880-3440			

Part 2 - DESCRIPTION OF THE SITE continued

C. Identification of Properties affected by the Releases (Affected Properties).

An "affected property" is a property affected by the release of hazardous substances on the source property. For example, petroleum released from a leaking UST on one property (source property) may migrate through the soil or ground water onto an adjacent property (affected property).

Do any of the releases affect any properties adjacent to the source property?

- Yes *If you answered "YES," then please identify below each property that you know has been affected by the releases on the source property. If you need to identify additional properties, please attach additional pages.*
- No *If you answered "NO," then skip to the next question.*
- Unknown *If you answered "UNKNOWN," then skip to the next question.*

1.	Address:
	Tax Parcel(s):
2.	Address:
	Tax Parcel(s):
3.	Address:
	Tax Parcel(s):
4.	Address:
	Tax Parcel(s):

D. Identification of Public Right-of-Ways affected by the Releases.

Do any of the releases affect any public right-of-ways (e.g., streets)?

- Yes
- No
- Unknown

If you answered "YES" above, please specify below. Otherwise, skip to the next question.

Attach additional pages if necessary.

E. Extent of the Site.

What is the approximate areal extent of the Site? Please check only one.

- < 5,000 square feet
- > 5,000 square feet, but < 1 acre
- > 1 acre, but < 10 acres
- > 10 acres
- Unknown

Part 2 - DESCRIPTION OF THE SITE continued

F. Description of Release(s) at the Site.

Source of Release(s).

What are the source(s) of the release(s) at the Site? Please check all that apply.

- Point source (e.g., leaking tank)
- Non-point source (e.g., contaminated soil used as fill)
- Area-wide lead and arsenic soil contamination (see questions below)
- Other – please specify: _____
- Unknown

To the extent known, please describe the source(s) of the release(s):

OWS in the northwest corner of the building on the Property

Waste oil UST located below the central-western portion of the building

Off-property industrial dry cleaners at 700 Dexter

Attach additional pages if necessary.

Circumstances of Release(s). To the extent known, please describe below the circumstances of the release(s).

Circumstances of releases are unknown.

Attach additional pages if necessary.

Circumstances of Release Discovery. To the extent known, please describe below the circumstances of the discovery of the release(s).

A subsurface investigation was conducted in December 1992, which discovered contamination at the Site. The investigation discovered DRPH concentrations in soil and groundwater above MTCA Method A cleanup levels.

Attach additional pages if necessary.

Part 2 - DESCRIPTION OF THE SITE continued

Area-Wide Soil Contamination. For information about the area-wide soil contamination project, please refer to the following web site: [www.ecy.wa.gov/programs/tcp/area wide/area wide hp.html](http://www.ecy.wa.gov/programs/tcp/area%20wide/area%20wide%20hp.html). For information about the Tacoma Smelter Plume (TSP) and the associated Management Plan, please refer to the following web site: [www.ecy.wa.gov/programs/tcp/sites/tacoma smelter/ts hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/tacoma%20smelter/ts%20hp.htm).

Is the Site located within an area affected by smelter emissions, such as the TSP area?

Yes No Unknown

To determine whether your Site is located within the TSP area, please refer to the map on the TSP web site identified above.

Is the Site located on a former apple or pear orchard in operation prior to 1947?

Yes No Unknown

Is the Site impacted by area-wide arsenic and/or lead soil contamination?

Yes No Unknown

G. Nature and Extent of Hazardous Substances Released at the Site. The following questions refer to conditions after the release, but prior to any cleanup, of the hazardous substances at the Site.

Hazardous Substances and Affected Media. To the extent known, please identify in the following table the hazardous substances released at the Site and the media (e.g., soil) impacted by those substances. Use the codes at the bottom of the table.

HAZARDOUS SUBSTANCE	AFFECTED MEDIA				
	SOIL	GROUND WATER	SURFACE WATER	SEDIMENT	AIR
EXAMPLE: Benzene	C	S	N/A	N/A	B
Diesel-Range Petroleum Hydrocarbons	C	C	N/A	N/A	N/A
Oil-Range Petroleum Hydrocarbons	C	C	N/A	N/A	N/A
Gasoline-Range Petroleum Hydrocarbons	C	O	N/A	N/A	N/A
Lead	C	U	N/A	N/A	N/A
Mercury	C	U	N/A	N/A	N/A
PCE	O	C	N/A	N/A	U

When identifying the affected media in the table above, please use one of the following codes:

- C = confirmed, above cleanup level
- B = confirmed, below cleanup level
- O = confirmed, not present
- S = suspected
- N/A = not suspected
- U = unknown

Part 2 - DESCRIPTION OF THE SITE continued

Drinking Water.

Does any of the contamination at the Site pose a threat or potential threat to an existing drinking water source (ground water or surface water)?

- Yes No Unknown

If you answered "YES" above, what type of drinking water system is threatened by the contamination? Please check all that apply.

- Single Family
 Public Drinking Water Supply

If you checked "Public Drinking Water Supply" above, is the contamination located within or upstream of a 10-year wellhead protection area?

- Yes No Unknown

To help answer the above question or if you answered "Yes" to that question, then go to <https://fortress.wa.gov/doh/eh/dw/swap/maps/> or call (800) 521-0323.

Indoor Air.

Are contaminant odors present in any buildings, manholes, or other confined spaces?

- Yes No Unknown

If you answered "YES" above, please specify:

Attach additional pages if necessary.

H. Maps of the Site.

Please attach to this application map(s) that identify, to the extent known, the following:

- The location of the site.
- The properties, and any public right-of ways, affected by the site.
- The source(s) of the release(s) at the site.
- The nature and extent of contamination at the site.
- Any human or ecological receptors impacted by the site (e.g., drinking water wells).
- The physical characteristics of the site (e.g., property lines, building and road outlines, surface water bodies, water supply wells, ground water flow direction, and utility right-of-ways).
- The properties adjacent to the site and the uses of those properties (e.g., gas station, dry cleaner, residential).

Part 3 – OPERATIONAL HISTORY OF THE SITE

A. Current Use of Source Property. Note that the following questions refer only to the Source Property, not other properties affected by the Site. Answer these questions to the best of your ability.

Current Property Owners. To the extent known, please identify below the current owner of the source property.

Name: Bill Pollard and Jim Neal		Title:
Organization: W-T 701 Holdings VII, LLC		
Mailing address: W-T 701 Holdings VII, LLC, c/o Talon, 720 Olive Way, Suite 1020		
City: Seattle	State: WA	Zip code: 98101
Phone: (206) 607-2550		

Current Business Owner (Operator). To the extent known, please identify below the current owner of the business located on the source property.

Name: Rick Tasman		Title: CEO
Organization: Planet Hollywood International, Inc.		
Mailing address: 4700 Millenia Blvd #400		
City: Orlando	State: FL	Zip code: 32839
Phone: (407) 903-5500		

Current Business Operations. To the extent known, please identify below the current operations of the business located on the source property.

What is the current land use of the source property? Please check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Residential | <input type="checkbox"/> School |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Childcare facility |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Park |
| <input type="checkbox"/> Agricultural | |
| <input type="checkbox"/> Other – please specify: _____ | |

Is there a currently operational commercial or industrial business located on the source property?

- Yes No Unknown

If you answered "YES" above, please identify in the following table the current business operations using the North American Industry Classification System (NAICS) codes and specifying the operations.

NAICS CODE	DESCRIPTION OF OPERATIONS
EX: 447110	Gasoline Stations with Convenience Stores
441228	Motorcycle Sales and Service
722110	Full-Service Restaurant

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

Is there a solid waste handling facility located on the Source Property?

- Yes No Unknown

If you answered "YES" above, please identify:

Attach additional pages if necessary.

Is there a dangerous waste treatment, storage, or disposal facility located on the Source Property?

- Yes No Unknown

If you answered "YES" above, please identify:

Attach additional pages if necessary.

Regulation of Current Business Operations.

Does the business operate under any federal, state, or local permits related to the release of hazardous substances into the environment (e.g., NPDES permit)?

- Yes No Unknown

If you answered "YES" above, please specify the regulated operation, the name of the permit, and the date it was issued in the table below.

REGULATED OPERATION	PERMIT	DATE ISSUED
EX: Wastewater discharge	NPDES permit	02/02/02

Has a state or federal notice of enforcement action (e.g., notice of violation) ever been issued related to the release of hazardous substances at the business?

- Yes No Unknown

If you answered "yes" above, please specify (notice and year issued): _____

Have business operations resulted in any other spills or other unpermitted releases on the source property?

- Yes No Unknown

If you answered "YES" above, please specify in the table below.

RELEASE	DATE OF RELEASE	STATUS OF RELEASE

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

Storage Tank Information. In table below, please identify all above ground storage tanks (AST) and underground storage tanks (UST) that have been used for storing hazardous substances on the source property, irrespective of whether the tanks are still in use or in place. *If you are unable to provide answers to specific questions regarding a tank, please enter "U" for unknown.*

IDENTIFICATION				STATUS AND CLOSURE				RELEASES	
Hazardous Substance	Type (AST/UST)	Size (Gallons)	TANK ID	DATE INSTALL	IN USE (Y/N)	DATE CLOSED	CLOSURE METHOD (*)	PAST (Y/N)	CURRENT (Y/N)
EX: Diesel	UST	10,000	4	02/87	N	05/98	Removed	Y	N
Heating oil	UST	U	1	U	N	U	U	U	Y
U	UST	U	2	U	N	U	U	U	Y

(*) Options = Removed or Closed in Place

B. Past Use of Source Property. Note that the following questions refer only to the Source Property, not other properties affected by the Site. Please answer these questions to the best of your ability.

Past Property Owners. To the extent known, please identify below the owner of the source property at the time the release occurred.

Name: _____ Title: _____

Organization: _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone: _____ Fax: _____ E-mail: _____

Past Business Owners (Operators). To the extent known, please identify below the owner of the business (operator) at the time the release occurred.

Name: _____ Title: _____

Organization: _____

Mailing address: _____

City: _____ State: _____ Zip code: _____

Phone: _____ Fax: _____ E-mail: _____

Identification of Past Business Operations. Please identify in the following table the past operations of businesses located on the source property using the North American Industry Classification System (NAICS) codes and/or specifying the operations.

NAICS CODE	DESCRIPTION OF OPERATIONS
EX: 447110	Gasoline Stations with Convenience Stores
451110	Ski Retail Shop
811111	Vehicle Repair Shop
336120	Truck Assembly Plant

Part 3 – OPERATIONAL HISTORY OF THE SITE continued

C. Future Use of Source and Affected Properties. The following questions refer to both source and affected properties. Please answer these questions to the best of your ability.

Will any ownership interest in the source or affected properties be conveyed prior to, or upon completion of, the cleanup?

- Yes No Unknown

If you answered "YES" above, please specify:

Attach additional pages if necessary.

Will any of the source or affected properties, or portions of those properties, be redeveloped as part of the cleanup?

- Yes No Unknown

If you answered "YES" above, please specify the proposed land use below. Please check all that apply.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> School |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Childcare facility |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Park |
| <input type="checkbox"/> Agricultural | |
| <input type="checkbox"/> Other – please specify: | |

Please also specify the activities proposed for that land use:

Mixed use commercial office and residential building, including two-story below grade parking garage.

Attach additional pages if necessary.

Part 4 – ADMINISTRATIVE HISTORY OF THE SITE

Have you previously reported the release(s) of hazardous substances at the Site to Ecology?

- Yes – If so, when? _____ No Unknown

Has the cleanup of the Site, or any portion of the Site, ever been managed under the VCP?

- Yes – If so, please specify the VCP Project Number: _____
 No
 Unknown

Has the cleanup of the Site, or any portion of the Site, ever been managed under a federal or state order or decree?

- Yes – If so, please specify the type and docket number: _____
 No
 Unknown

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE

A. Scope of Remedial Actions.

Do you plan to characterize and address all of the contamination at the Site, including any contamination located on affected adjacent properties, as part of the VCP project?

- Yes No Unknown

If you answered "NO" above, please describe below the scope of the VCP project, including the contamination (properties, portions of a property, media and/or hazardous substances) that you DO NOT plan on characterizing and/or addressing as part of the VCP project. Please include additional pages if necessary.

Groundwater contamination from off-site property will not be addressed; the action will include excavation and disposal of onsite soils, and dewatering during construction.

Attach additional pages if necessary.

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE continued

B. Status of Remedial Actions.

What is the current status of remedial actions at the site? Please check all that apply in the table below.

REMEDIAL ACTION	PLANNED	ONGOING	COMPLETED	NOT APPLICABLE
INITIAL RESPONSE (UST ONLY)				X
INTERIM ACTION				
REMEDIAL INVESTIGATION			X	
FEASIBILITY STUDY				
CLEANUP ACTION	X			

C. Documentation of Remedial Actions.

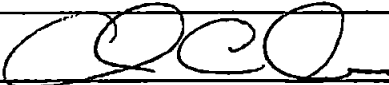
Please list in the table below all known remedial action plans or reports produced for the site, including:

- The title of the plan or report,
- The author (e.g. consulting firm) of the plan or report,
- The date the plan or report was produced,
- Whether the plan or report has been submitted to Ecology,
- The date the plan or report was submitted to Ecology.

	TITLE	AUTHOR	DATE	SUBMITTED TO ECOLOGY	
				Y/N?	DATE
EX:	John Doe's Site: Remedial Investigation Work Plan	Mom's Consulting Firm	02/20/05	NO	N/A
1.	Buca di Beppo/Ducati Property Remedial Investigation and Cleanup Action Plan	SoundEarth Strategies	08/14/05	NO	N/A
2.	Phase II Final Report: Groundwater and Subsurface Soil Investigation at Bayside Toyota, Seattle, Washington	Enviros, Inc.	12/22/92	NO	N/A
3.	Preliminary Environmental Assessment, Frank Kenney Toyota/Volvo Property	Hart Crowser	12/30/98	NO	N/A
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Part 6 – STATEMENT AND SIGNATURE

A. Statement and Signature. The undersigned affirms that the information contained in this application is true and accurate to the best of his or her knowledge. Please note that someone other than the Customer may sign this Application Form.

Name: Charles Cacek		Title: Project Manager	
Signature: 		Date: 11-20-2015	
Organization: SoundEarth Strategies			
Mailing address: 2811 Fairview Avenue East			
City: Seattle		State: WA	Zip code: 98102
Phone: (206) 306-1900	Fax: (206) 306-1907		E-mail: ccacek@soundearthinc.com

B. Affiliation:

What is the signatory's involvement at the Site? Please check all that apply.

- Customer
- Property Owner
- Consultant
- Attorney
- Other – please specify: _____

VCP AGREEMENT



INSTRUCTIONS: Submit this Agreement (original) to Ecology as part of your Application. Before submitting, enter the Customer's name and the Site's address on the first page and sign the Agreement on the second page. If your Application is accepted, then Ecology will do the following: 1) identify the Site and VCP project in the box below; 2) sign the Agreement; and 3) send you a copy of the completed Agreement.

This document constitutes an Agreement between the State of Washington Department of Ecology (Ecology) and W-T 701 Holdings VII, LLC (Customer) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified below and associated with the following address:
701 9th Avenue North, Seattle, Washington

The purpose of this Agreement is to facilitate independent remedial action at the Site. Ecology is entering into this Agreement under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC. If a term in this Agreement is defined in MTCA or Chapter 173-340 WAC, then that definition shall govern.

RECEIVED
NOV 20 2015

Services Provided by Ecology

DEPT OF ECOLOGY
TCP - NWRO

Upon request, Ecology agrees to provide the Customer informal site-specific technical consultations on the independent remedial actions proposed for or performed at the Site consistent with WAC 173-340-515(5). Those consultations may include assistance in identifying applicable regulatory requirements and opinions on whether the remedial actions proposed for or conducted at the Site meet those requirements.

Ecology may use any appropriate resource to provide the Customer with the requested consultative services. Those resources may include, but shall not be limited to, those of Ecology and the Office of the Attorney General. However, Ecology shall not use independent contractors unless the Customer provides Ecology with prior written authorization.

In accordance with RCW 70.105D.030(1)(i), any opinions provided by Ecology under this Agreement are advisory only and not binding on Ecology. Ecology, the state, and officers and employees of the state are immune from all liability. Furthermore, no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance under the VCP.

Payment for Services by Customer

The Customer agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Customer consistent with WAC 173-340-515(6) and 173-340-550(6). Those costs may include the costs incurred by attorneys or independent contractors used by Ecology to provide the requested consultative services. Ecology's hourly costs shall be determined based on the method in WAC 173-340-550(2).

Ecology shall mail the Customer a monthly itemized statement of costs (invoice) by the tenth day of each month (invoice date) that there is a balance on the account. The invoice shall include a summary of the costs incurred, payments received, identity of staff involved, and amount of time staff spent on the project.

The Customer shall pay the required amount by the due date, which shall be thirty (30) calendar days after the invoice date. If payment has not been received by the due date, then Ecology shall withhold

FOR COMPLETION BY ECOLOGY ONLY	Facility / Site Name:
	Facility / Site No.:
	VCP Project No.:

any requested opinions and notify the Customer by certified mail that the debt is past due. If payment has not been received within sixty (60) calendar days of the invoice date, then Ecology shall stop all work under the Agreement and may, as appropriate, assign the debt to a collection agency under Chapter 19.16 RCW. The Customer agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

Reservation of Rights / No Settlement

This Agreement does not constitute a settlement of liability to the state under MTCA. This Agreement also does not protect a liable person from contribution claims by third parties for matters addressed by the Agreement. 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). Ecology's signature on this Agreement in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority.

Ecology reserves all rights under MTCA, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

Effective Date, Modifications, and Severability

The effective date of this Agreement shall be the date on which this Agreement is signed by the Toxics Cleanup Program's Section Manager or delegated representative. This Agreement may be amended by mutual agreement of Ecology and the Customer. Amendments shall be in writing and shall be effective when signed by the Toxics Cleanup Program's Section Manager or delegated representative. If any provision of this Agreement proves to be void, it shall in no way invalidate any other provision of this Agreement.

Termination of Agreement

Either party may terminate this Agreement without cause by sending written notice by U.S. mail to the other party. The effective date of termination shall be the date Ecology sends notice to the Customer or the date Ecology receives notice from the Customer, whichever occurs first. Unless otherwise directed, issuance of a No Further Action opinion, either for the Site as a whole or for a portion of the real property located within the Site, shall constitute notice of termination by Ecology.

Under this Agreement, the Customer is only responsible for costs incurred by Ecology before the effective date of termination. However, termination of this Agreement shall not affect any right Ecology may have to recover its costs under MTCA or any other provision of law.

Representations and Signatures

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to enter into this Agreement and to execute and legally bind the Customer to comply with the Agreement.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Signature

Printed Name

Section Manager, _____
Toxics Cleanup Program Section

Date: _____

W-T 701 Holdings, LLC
Name of Customer

[Signature]
Signature

JAMES NEAL
Printed Name of Signatory

PRINCIPAL
Title of Signatory

Date: 8/7/15

INITIAL INVESTIGATION ROUTER SLIP

(INCLUDE IN FILE)

ERTS # N/A SITE/FILE NAME: BUCA DI BEPPO DUCATI

ALTERNATE NAME(S) / CROSS REF:

SITE SCHEMA: TCP FILE NEW SITE FILE OR EXISTING FILE

II START DATE: 11/20/2015 TARGET II END DATE:

ADDRESS: 701 9TH AVE N CITY: SEATTLE

4088803435 &

TAX PARCEL(S): 4088803440 COUNTY: KING ZIP: 98109

FS ID: 84466254 CS ID: 13006 VCP?

NOTES:

RECOMMENDED ACTION (CIRCLE ALL APPROPRIATE): ISIS (await SHA) ISIS (NFA list)
 NFA (no site) UPDATE FILE HIGH PRIORITY SHA INTERNAL REF EXTERNAL REF

COMMENTS:

X INITIAL INVESTIGATOR NAME: T Cardona INITIALS: TC DATE: 3/2/2016

X DONNA MUSA (COORDINATOR) INITIALS: DKM DATE: 3/2/2016 FINAL DETERMINATION(S):
 ISIS (await SHA) ISIS (NFA list) NFA (no.site) HIGH PRIORITY SHA

X LOUISE BARDY SIGNATURE: (Bob Warren approved) DATE: 3/2/2016
(APPROVAL OF FINAL DETERMINATION) (TARGET: REF DATE + 12 WEEKS)

X DONNA MUSA FS/ISIS ENTRY & ENL or NFA Memo INITIALS: DKM DATE: 3/3/2016

DSARS ENTRY → ENL/NFA II FIELD REPORT CLEANUP REPORT
(if available)

CENTRAL RECORDS - FILE ROUTED BY: Donna Musa

DATE: 3/15/16

TCP II File Router 3/3/2016 8:52 AM