



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 24, 2022

Shad Bernhoft
5210 Russell Avenue NW
#100
Seattle, WA 98107

Re: Application Acceptance – Voluntary Cleanup Program

- **Site name:** Hollywood Video Property
- **Site address:** 5314 15th Ave NW, Seattle 98107
- **Facility/Site ID:** 14234
- **Cleanup Site ID:** 13232
- **VCP Project ID:** NW3324

Dear Mr. Shad Bernhoft:

The Department of Ecology (Ecology) accepted your application to the standard process of the Voluntary Cleanup Program (VCP) for the Hollywood Video Development facility (Site). We applaud your initiative and welcome your interest in the VCP. This letter provides important information on how we will review your VCP cleanup project (project) at the Site.

Agreement

We completed and signed your standard VCP agreement for the project on 2/18/2022. This date is the effective date of the agreement. A copy of your signed agreement is enclosed.

Identification Numbers

We have assigned a unique name and number to your Site. This information is listed on the first page of your standard VCP agreement (enclosed). When contacting us, please reference this information to identify your project.

Communications

Unless otherwise requested, we will communicate directly with your project manager, Shad Bernhoft, as listed on your VCP application form. If you replace your project manager, or their contact information changes, please submit a completed change of contact form.¹

We have assigned the following cleanup project manager as our point of contact for your project:

Chris Maurer
Department of Ecology
Toxic Cleanup Program, Headquarters
PO Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-7223
Email: Christopher.maurer@ecy.wa.gov

Request for Written Opinion

In your application, you did not request a written opinion at this time. We will await your request and provide a written response within approximately 90 calendar days.

Reporting Requirements

When requesting written opinions, you must comply with the following reporting requirements to avoid unnecessary delays in the VCP process:

- **Licensing.** You must submit documents containing geologic and hydrogeologic work and engineering work under the seal of an appropriately licensed professional, as required in chapters 18.220² and 18.43³ RCW, respectively.
- **Data Submittal.** You must submit environmental data to our Environmental Information Management (EIM) system.⁴ The Toxics Cleanup Program Policy 840⁵ describes data submittal requirements. Please visit the EIM Submit Data webpage for data submittal instructions.

Payment

We will send monthly invoices to the billing contact listed in your VCP application form. Payment is due within 30 calendar days of the date of each invoice. Our invoices include a summary of costs incurred, payments received, names of staff billing to the project, and the time spent on the project during the previous month.

If you replace your billing contact, or their contact information changes, you must submit a completed change of contact form.

¹ <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>

² <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.220>

³ <https://apps.leg.wa.gov/RCW/default.aspx?cite=18.43>

⁴ <https://ecology.wa.gov/eim>

⁵ <https://fortress.wa.gov/ecy/publications/SummaryPages/1609050.html>

Independent Remedial Action Grants and Cultural Resource Compliance Review

You may qualify for an Independent Remedial Action Grant from Ecology after completing an independent cleanup and receiving a no further action opinion from us. We accept grant applications continuously. Visit our [Grants & loans webpage](#)⁶ for information about this program and how to apply.

Under Governor's Executive Order 05-05, we may not fund ground-disturbing remedial actions unless we or another state or federal agency consults with the Washington State Department of Archaeology and Historic Preservation and affected Tribes before the remedial actions are performed. The purpose of the consultation is to identify potential impacts on cultural resources.

Under the VCP, you may request that we perform the specified consultation by completing and submitting the [project review form](#).⁷ For more information about compliance with Washington's cultural resource laws, see [Washington Cultural Resource Regulations: Summary for Independent Cleanup Sites](#).⁸

Site Listing Notice

We determined that your Site requires remedial action. Therefore, we added your Site to our [Confirmed and Suspected Contaminated Sites List](#),⁹ as required by the [Model Toxics Control Act](#).¹⁰ We appreciate your cooperation in planning or conducting remedial action at the Site. Moving forward with remedial action does not constitute an admission of guilt or liability. This early notice of site listing is required under [WAC 173-340-310\(6\)\(b\)](#).¹¹

⁶ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans#Apply>

⁷ <https://fortress.wa.gov/ecy/publications/documents/ecy070537.pdf>

⁸ <https://fortress.wa.gov/ecy/publications/SummaryPages/1909059.html>

⁹ <https://apps.ecology.wa.gov/tcpwebreporting/reports/cleanup/contaminated>

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

¹¹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>

Contact Information

We are committed to working with you to reach the prompt and effective cleanup of your Site. If you have any questions, please contact Josh Morman at josh.morman@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Morman", followed by a long horizontal flourish.

Josh Morman
VCP Coordinator
Toxics Cleanup Program, HQ

Enclosure:
Copy of signed VCP Agreement

cc:
Scott Rose, Associated Environmental Group
Ecology Fiscal Office – VCP Budget Analyst

Enclosure

Copy of Signed VCP Agreement

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Voluntary Cleanup Program Agreement

Washington State Department of Ecology

Toxics Cleanup Program

For completion by Ecology only	Facility/Site Name:	Hollywood Video Chinook Development
	Facility/Site No.:	14234
	VCP Project No.:	NW3324

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 Walls Property Management (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: 1446 NW 53rd Street, Seattle WA 98107.

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 70A.305 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.

Services Provided by Ecology

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 70A.305.170, 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 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 70A.305.040(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.

Washington State Department of Ecology



Signature

Nick Acklam

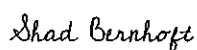
Printed Name

Section Manager,
Toxics Cleanup Program, HQ Cleanup Section

2/18/2022

Date

Customer



Signature

Walls Property Management, Mr. Shad Bernhoft

Printed Name of Signatory

Property Owner Representative

Title of Signatory

03/05/2021

Date

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

Apply to the Expedited VCP process

You may apply for the **Expedited VCP** process only during periods specified by Ecology. To see when Ecology is accepting **Expedited VCP** applications, see the [Expedited VCP webpage](#)⁵ or subscribe to our **Expedited VCP email list**.

To apply for the **Expedited VCP** process, you **must** submit to Ecology all the following:

- VCP application form, completed and signed ← this form
- [Expedited VCP agreement](#),⁶ signed by applicant
- [Agency determination checklist](#), completed
- Remedial investigation report or equivalent, meeting the elements of our [remedial investigation checklist](#), and other reports you want us to review (one searchable pdf file and one hard copy each)
- Electronic environmental data submitted to the [Environmental Information Management](#) (EIM) system,⁷ which provides automatically generated email as confirmation
- Project schedule.

See the [Voluntary Cleanup Program \(VCP\): Guidance for the Expedited VCP Process](#)⁸ for additional information.

To submit your **Expedited VCP** application to Ecology, upload electronic files to [Box.com](#),⁹ after creating your online account. Send hard copy materials to:

Sarah Wollwage, Expedited VCP Planner
Toxics Cleanup Program
Department of Ecology
PO Box 47600
Lacey, WA 98504-7600

Do not send your **Expedited VCP** application materials to an Ecology regional office.

You **must pay** the **nonrefundable application fee** within seven calendar days of receiving our invoice, or we may reject your **Expedited VCP** application. After receiving the complete application, we will send the invoice to the email listed for the project billing contact in **Part 1.C** of this form. We will not process your application until we have received payment. Contact [Sarah Wollwage](#) at Sarah.Wollwage@ecy.wa.gov or (360) 407-7141 for additional information.

Part 1 – Administration

1.A Applicant. The applicant is the person or organization requesting services from Ecology, and is responsible for paying Ecology's incurred costs incurred. The agreement explains the applicant's authority and duty.

Name of applicant: Walls Property Management

What type of entity is the applicant?

- ☐ Person A **person** applicant **must** serve as the project billing contact. Identify this person and their contact information in both **Parts 1.B and 1.C**.
- ☒ Organization An **organization** applicant **must** identify the project manager in **Part 1.B** and the project billing contact in **Part 1.C**. The organization **must** employ both persons.

⁵ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/VCP-Expedited>

⁶ <http://ecyapfaff/Biblio2/SummaryPages/ECY070633.html>

⁷ <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database/EIM-submit-data>

⁸ <https://fortress.wa.gov/ecy/publications/summarypages/2009053.html>

⁹ <https://account.box.com/login>

Part 1 – Administration

What is the applicant's involvement at the site? Check **all that apply**.

- | | | |
|---|--|---|
| <input type="checkbox"/> property owner | <input type="checkbox"/> business owner (operator) | <input checked="" type="checkbox"/> agent of property owner |
| <input type="checkbox"/> past property owner | <input type="checkbox"/> mortgage holder | <input type="checkbox"/> private person / organization |
| <input type="checkbox"/> future property owner | <input type="checkbox"/> consultant | <input type="checkbox"/> public agency / organization |
| <input type="checkbox"/> property lessee | <input type="checkbox"/> attorney | |
| <input type="checkbox"/> other – specify: _____ | | |

Expedited VCP note: The **Expedited VCP** applicant **must** have an ownership interest in or operate the facility or have a contractual right to purchase, redevelop, or reuse the facility. Agents for the property owner, such as a consultant, **may not apply** for the **Expedited VCP process**.

If not the current property owner, is the applicant authorized to grant property access? ☒ yes ☐ no

1.B Project manager. We will send the project manager all official correspondence. The project manager **must** be either the applicant or employed by the applicant. The project manager may not be an independent contractor hired by the applicant. Enter the required information.

Name: Mr. Shad Bernhoft	Title: Real Estate Development Manager
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Mailing address: 5210 Russell Avenue NW #100

City: Seattle	State: WA	Zip: 98107
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Phone: 425-260-5602	Email: shad@wallspropertymanagement.com	Fax:
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1.C Project billing contact. We will send the project billing contact monthly invoices. The project billing contact **must** be either the applicant or employed by the applicant. The project billing contact may not be an independent contractor hired by the applicant. Enter the required information.

Name: Same as above	Title:
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Mailing address:

City:	State:	Zip:
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Phone:	Email:	Fax:
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1.D Project consultant.

Is the applicant a consultant? ☐ yes ☒ no

If "yes", skip to **Part 1.E**.

If "no", and the applicant hired a consultant to conduct the independent remedial action, enter the required information.

Name: Scott Rose	Title: Senior Hydrogeologist
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Organization: Associated Environmental Group

Mailing address: 2633 Parkmont Lane SW, Suite A

City: Olympia	State: WA	Zip: 98502-5751
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Phone: 360-352-9835	Email: srose@aegwa.com	Fax:
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Do you want us to contact the project consultant? ☒ yes ☐ no

1.E Property owner.			
Is the applicant the owner of the property where independent remedial action is being conducted?			
<input type="checkbox"/> yes	If "yes", enter the type of entity and skip to Part 1.F .		
<input checked="" type="checkbox"/> no	If "no", enter below all of the required information.		
Name:		Title:	
Organization: Chinook Ballard, LLC			
Mailing address: 5210 Russell Avenue NW #100			
City: Seattle		State: WA	Zip: 98107
Phone:	Email:	Fax:	
What type of entity is the property owner? Check one .			
<input checked="" type="checkbox"/> private	<input type="checkbox"/> tribal	<input type="checkbox"/> federal	<input type="checkbox"/> state
<input type="checkbox"/> county	<input type="checkbox"/> municipal	<input type="checkbox"/> public school	<input type="checkbox"/> mixed
<input type="checkbox"/> other – specify: _____			
1.F Request for written opinion.			
Are you requesting a written opinion at this time? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
If "yes", list the report(s) or plan(s) below you are requesting a written opinion for. Note: Your reports must meet the requirements on our <u>Working with the Voluntary Cleanup Program</u> . ¹⁰			
Attach to this application additional remedial action reports or plans you want us to review. We will base our opinion on the information in the site file, including information attached to this application.			
1.G Reporting requirements. Comply with the following two reporting requirements when requesting written opinions on planned or completed remedial actions.			
1.G.1 Professional licensing. Documents submitted containing geologic, hydrogeologic, or engineering work must be stamped by of an appropriately licensed professional, as required by Chapters 18.220 and 18.43 RCW.			
1.G.2 Data submittal to EIM. You must submit all site environmental sampling and analysis data in an electronic format that meets our requirements for transfer into our EIM system. Refer to our EIM webpage for instructions on how to apply for an account and submit your data. Failure to comply with these requirements may result in unnecessary delays.			
For Expedited VCP applications only , the study ID and CSV file name must both begin with "XVC" in the title. Do not use spaces or hyphens in either the study ID or CSV file name.			

ECY 020-74 (revised June 2020)

Part 1 – Administration

Have you submitted all the site's environmental data to EIM? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
<input type="checkbox"/> yes	If "yes", enter the study ID and CSV file name below.	
<input type="checkbox"/> no	If "no", and data need to be submitted, submit your data to EIM first, and then complete the required information below.	
We will not accept your Expedited VCP application unless you have satisfied these requirements.		
We will not issue a no further action (NFA) opinion, unless you have satisfied these requirements.		
Study ID	CSV File name	Submitted to EIM? (y/n)
Ex: XVCNW9999	Ex: XVCnw9999_June20_results.csv	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	
Study ID:	CSV File name:	

Part 2 – Site description

2.A Site name. If we have already identified the site, enter the site name we provided. Otherwise, enter a suggested name for the site. You may also include an alternative name.				
Name: Chinook Development				
Alternative name:				
2.B Source property. The source property is the property where hazardous substances were released into the environment. For example, for an underground storage tank (UST) release, the source property is where the underground storage tank is located that caused the release.				
Do you know on which property the releases occurred? <input checked="" type="checkbox"/> yes <input checked="" type="checkbox"/> no (See attached cover letter)				
If "yes", refer to the source property when identifying the physical address and geographic position below.				
If "no", refer to the property addressed by your cleanup when identifying the physical address and geographic position below.				
2.B.1 Physical address. Enter the property's physical address.				
Street address: 1446 NW 53 rd Street				
City: Seattle		State: WA		Zip: 98107
2.B.2 Geographic position. Enter the property's geographic position.				
Coordinates	Latitude: 47	Degrees: 40	Minutes: 02	Seconds:
	Longitude: 122	Degrees: 22	Minutes: 32	Seconds: