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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, WA 98133-9716 • 206-594-0000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

March 23, 2023

Bruce Anderson
MBA NW73rd, LLC.
7420 SE 24th Street, Suite 4
Mercer Island, WA 98040
bruce@mbanderson.net

Re: Application acceptance – Voluntary Cleanup Program

Site name: **Midas Muffler Ballard**
Site address: **7055 15th Avenue NW, Seattle, WA 98117**
Facility/Site ID: **19188572**
Cleanup Site ID: **16663**
VCP Project No.: **NW3350**

Dear Bruce Anderson:

The Department of Ecology (Ecology) accepted your application to the Standard process of the Voluntary Cleanup Program (VCP) for the Midas Muffler Ballard 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 March 22, 2023. 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 (yourself), 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 site manager as our point of contact for your project:

Zak Wall
Toxics Cleanup Program, Northwest Regional Office (NWRO)
Department of Ecology
PO Box 330316
Shoreline, WA 98133-9716
(425) 758-5231
ZWAL461@ecy.wa.gov

Request for written opinion

In your application, you requested a written opinion on the sufficiency of your documents. We will review your submitted document and expect to 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 [18.220](#)² and [18.43](#)³ RCW, respectively.
- **Data submittal.** You must submit environmental data to our [Environmental Information Management](#) (EIM) system.⁴ The [Toxics Cleanup Program Policy 840](#)⁵ describes data submittal requirements. Please visit the EIM Submit Data webpage for data submittal instructions.

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>

Payment

We will send monthly invoices to the billing contact listed in your VCP application form.

Payment is due within 30 calendar days from 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](#).

Site listing notice

We determined that your Site requires remedial action. Therefore, we added your Site to our [Confirmed and Suspected Contaminated Sites List](#),⁶ as required by the [Model Toxics Control Act](#).⁷ 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).⁸

Contact information

We are committed to working with you to reach the prompt and effective Site cleanup.

If you have any questions, please contact your Site Manager Zak Wall at (425) 758-5231 or at his e-mail at ZWAL461@ecy.wa.gov.

Sincerely,



Sonia Fernández

VCP Coordinator

Northwest Regional Office, Toxics Cleanup Program

SF/sf

⁶ <https://apps.ecology.wa.gov/tcpwebreporting/reports/cleanup/contaminated>

⁷ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

⁸ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>

Bruce Anderson

March 23, 2023

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Enclosure:

Copy of signed VCP Agreement

cc:

Nicholas Hoffman, Terra Associates, Inc. (nhoffman@terra-associates.com)

Stacie Belenski, Ecology VCP Budget Analyst (ecyrevcp@ecy.wa.gov)



Voluntary Cleanup Program Agreement

Washington State Department of Ecology Toxics Cleanup Program

For completion by Ecology only	Facility/Site Name:	Midas Muffler Ballard
	Facility/Site No.:	19188572
	VCP Project No.:	NW3350

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 MBA NW 73rd St. 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: 7055 15th Avenue Northwest, Seattle Washington, 98117

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

Robert W. Warren

Printed Name

Section Manager,
Toxics Cleanup Program, NWRO

March 22, 2023

Date

Customer MSA NW 73rd ST LLC



Signature

M. Bruce Anderson

Printed Name of Signatory

member

Title of Signatory

6/21/22

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.



VCP Application Standard and Expedited Processes

Washington State Department of Ecology
Toxics Cleanup Program

Application Form

The Department of Ecology (Ecology) may provide informal, site-specific, technical consultations to persons conducting independent remedial actions at contaminated sites under the [Voluntary Cleanup Program](#) (VCP).¹ Ecology may provide the consultations under either the **Standard VCP** process or the **Expedited VCP** process.

Check the box
of the process
you are applying for:

- ☒ **Standard VCP**
☐ **Expedited VCP**

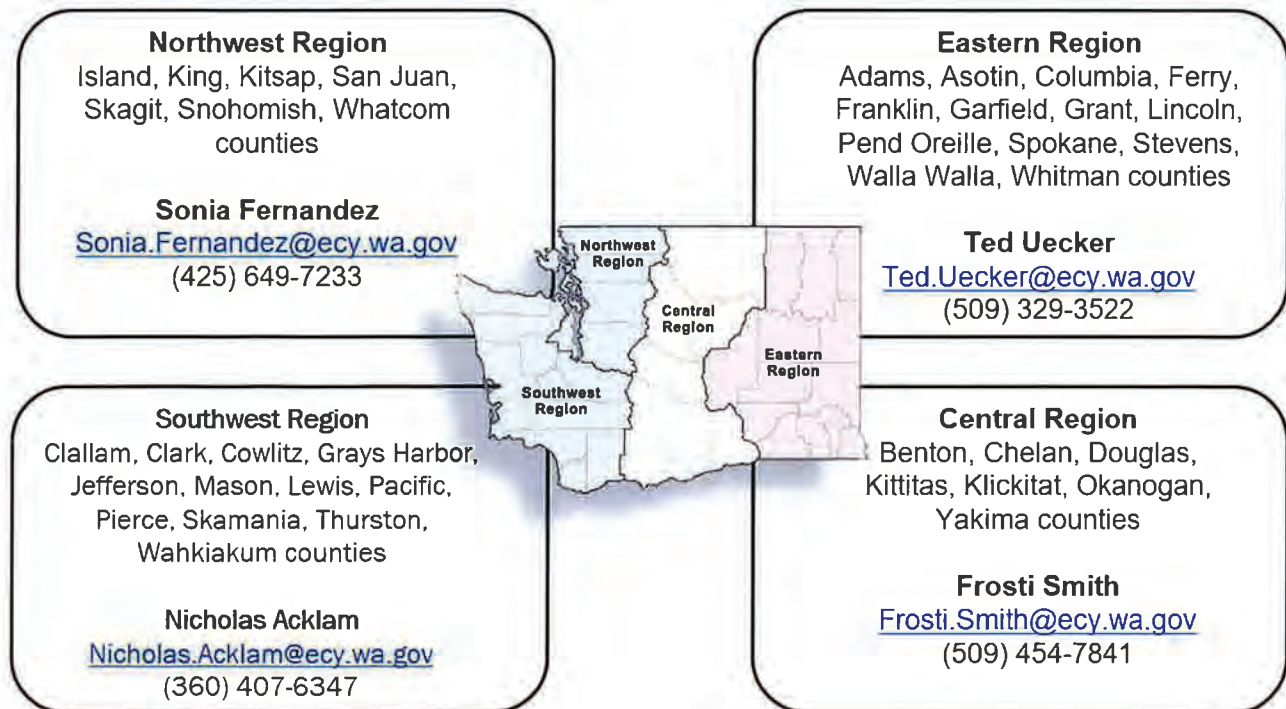
Apply to the **Standard VCP** process

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

- VCP application form, completed and signed ← **this form**
- [VCP agreement](#) form,² signed by applicant
- [Agency determination checklist](#),³ completed.

To request an opinion on a planned or completed remedial action, you **must** complete **Part 1.F** in this form. Submit with this application one searchable pdf file and one hard copy of each report you want us to review. See our report requirements on our [Working with the Voluntary Cleanup Program webpage](#).⁴

Send your completed application to our regional contact listed, based on your site's county.



¹ <https://www.ecy.wa.gov/VCP>

² <https://fortress.wa.gov/ecy/publications/SummaryPages/ecy070324.html>

³ <http://ecyapfass/Biblio2/SummaryPages/ECY070620.html>

⁴ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP>

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 webpage⁵](#) 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 agreement⁶](#), 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 \(EIM\) system⁷](#), which provides automatically generated email as confirmation
- Project schedule.

See the [Voluntary Cleanup Program \(VCP\): Guidance for the Expedited VCP Process⁸](#) for additional information.

To submit your **Expedited VCP** application to Ecology, upload electronic files to [Box.com⁹](#) 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: MBA NW 73rd, LLC

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://ecyapfpass/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 checked="" type="checkbox"/> property owner | <input type="checkbox"/> business owner (operator) | <input 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: Bruce Anderson

Title: Owner

Mailing address: 7420 SE 24th Street, Suite 4

City: Mercer Island

State: WA

Zip: 98040

Phone: 206-397-3579

Email: bruce@mbanderson.net

Fax:

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: Bruce Anderson

Title: Owner

Mailing address: 7420 SE 24th Street, Suite 4

City: Mercer Island

State: WA

Zip: 98040

Phone: 206-397-3579

Email: bruce@mbanderson.net

Fax:

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: Nicolas Hoffman

Title: Senior Project Geologist

Organization: Terra Associates, Inc.

Mailing address: 12220 113th Ave NE, Suite 130

City: Kirkland

State: WA

Zip: 98034

Phone: 425-821-7777

Email: nhoffman@terra-associates.com

Fax: 425-821-4334

Do you want us to contact the project consultant? ☒ yes ☐ no

Part 1 – Administration

1.E Property owner.

Is the applicant the owner of the property where independent remedial action is being conducted?

- ☒ yes If “**yes**”, enter the type of entity and skip to **Part 1.F**.
☐ no If “**no**”, enter below all of the required information.

Name:		Title:
Organization:		
Mailing address:		
City:	State:	Zip:
Phone:	Email:	Fax:

What type of entity is the property owner? Check **one**.

- ☒ private ☐ tribal ☐ federal ☐ state
☐ county ☐ municipal ☐ public school ☐ mixed
☐ other – specify: _____

1.F Request for written opinion.

Are you requesting a written opinion at this time? ☒ yes ☐ 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 [Working with the Voluntary Cleanup Program](#).¹⁰

Terra Associates, Inc., Remedial Investigation/Feasibility Study Midas Muffler, 7055-15th Avenue Northwest, Seattle, Washington 98117, dated June 3, 2022.

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.

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Working-with-VCP>

Part 1 – Administration

Have you submitted all the site's environmental data to EIM? ☐ yes ☒ no

☐ yes If **"yes"**, enter the study ID and CSV file name below.

☒ 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: Midas Muffler

Alternative name: Former Ballard Midas

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? ☒ yes ☐ no

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: 7055 15th Ave NW

City: Seattle

State: WA

Zip: 98117

2.B.2 Geographic position. Enter the property's geographic position.

Coordinates	Latitude: N	Degrees: 47	Minutes: 40	Seconds: 54.4416
	Longitude: W	Degrees: -122	Minutes: 22	Seconds: 37.8984

Part 2 – Site description

Location on property (e.g., point of release or center of parcel)		Interior of shop building		
Collection method (e.g., GPS or address matching)		Address matching		
Collection source (i.e., map scale)		Google Maps		
Horizontal datum (i.e., base reference for coordinate system)		WGS 84 Web Mercator		
Accuracy level (i.e., +/- feet or meters)		+/- 20 feet		
Legal descriptions				
TRS data	Township: 25N	Range: 3E	Section: 2	Quarter-quarter: SE
Tax parcels	7518500690			
2.C Affected properties. An affected property is a property affected by the hazardous substances released on the source property. For example, a leaking UST release on one property (source property) may migrate through the soil or groundwater to an adjacent property (affected property).				
Do any of the releases affect any properties adjacent to the source property? <input type="checkbox"/> yes If “ yes ”, identify below each property you know has been affected by the releases on the source property. If you need to add more information, go to <u>2.C</u> in the additional information pages at the end of this form. <input checked="" type="checkbox"/> no If “ no ”, skip to Part 2.D . <input type="checkbox"/> unknown If “ unknown ”, skip to Part 2.D .				
1	Address:			
	Tax parcels:			
2	Address:			
	Tax parcels:			
3	Address:			
	Tax parcels:			
4	Address:			
	Tax parcels:			
2.D Public rights-of-way affected by the releases.				
Do any of the releases affect a public right-of-way (e.g., roadways)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown If “ yes ”, specify below. Otherwise, skip to Part 2.E . If you need to add more information, go to <u>2.D</u> in the additional information pages at the end of this form.				

Part 2 – Site description

2.E Extent of the site.

What is the approximate areal extent of the site? Check **only one**.

- ☒ < 5,000 square feet ☐ > 5,000 square feet, < 1 acre
☐ > 1 acre, < 10 acres ☐ > 10 acres ☐ unknown

2.F Description of site release(s).

2.F.1 Release source(s).

What are the source(s) of the release(s) at the site? Check **all that apply**.

- ☐ area-wide lead and arsenic soil contamination (see "Area-wide soil contamination" below)
☐ non-point source (e.g., contaminated soil used as fill)
☒ point source (e.g., leaking tank)
☐ unknown
☐ other – specify: _____

Describe below the release source(s). If you need to add more information, go to [2.F.1](#) in the additional information pages at the end of this form.

Oil range hydrocarbons leaked from below ground hydraulic lifts situated within the shop area of the existing masonry building. Point source contamination is associated with the typical use of the hydraulic lifts during auto shop operations within the building.

2.F.2 Release circumstances. Describe the release circumstances. If you need to add more information, go to [2.F.2](#) in the additional information pages at the end of this form.

An auto repair shop operated on the property from 1980 to 2022. Below ground hydraulic lifts were installed for the operation of the auto repair shop in the South half of the existing masonry building. Oil range hydrocarbons leaked from the below ground hydraulic lifts and contaminated soils adjacent to and below the lifts.

2.F.3 Release discover circumstances. Describe the release discovery circumstances. If you need to add more information, go to [2.F.3](#) in the additional information pages at the end of this form.

The former use of underground hydraulic lifts was identified as a recognized environmental condition in a Phase I ESA conducted for a potential purchaser in 2020. Several phases of Phase II Investigation identified oil range hydrocarbon (ORH) contamination above Applicable MTCA cleanup levels to site soils. The contamination was limited to an approximately 35'X60' area within the auto repair shop portion of the existing building. The property was purchased by the current owner in the fall of 2021. Additional Phase II work and a remedial excavation to remove the contaminated soil occurred subsequent to the property transaction. A small wedge of ORH contaminated soil was left in place beneath the southeast

Part 2 – Site description

2.F.4 Area-wide soil contamination. Visit the [Dirt Alert Program webpage](#)¹¹ or see the Management Plan for the [Tacoma Smelter Plume project](#)¹² for information about the area-wide soil contamination projects.

Is the site in an area affected by smelter emissions, such as from the Tacoma Smelter Plume area?

☐ yes ☒ no ☐ unknown

See if the site is within the mapped [Tacoma Smelter Plume area](#).

Is the site located in a former fruit orchard in operation before 1947? ☐ yes ☒ no ☐ unknown

Is the site affected by area-wide arsenic or lead soil contamination? ☐ yes ☒ no ☐ unknown

2.G Nature and extent of contamination. The following refers to conditions after the release but before cleanup.

Hazardous substances and affected media. Identify hazardous substances released and media (e.g., soil) affected by those substances to the extent known. Use the codes at the end of the table.

Hazardous substance	Check affected media				
	Soil	Ground-water	Surface water	Sediment	Air
Ex: benzene	C	S	N/A	N/A	B
Hydraulic Oil TPH	C	B	N/A	N/A	N/A

C = confirmed, greater than cleanup level
B = confirmed, less than cleanup level

O = confirmed, not present
S = suspected

N/A = not suspected
U = unknown

¹¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Dirt-Alert-program>

¹² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Tacoma-smelter>

Part 2 – Site description

2.G.1 Drinking water.

Does site contamination pose a threat or potential threat to an existing drinking water source (groundwater or surface water)? ☐ yes ☒ no ☐ unknown

If **“yes”**, what type of drinking water system is threatened by the contamination? Check **all that apply**.

☐ single family ☐ public

If **“public drinking water supply”** is selected, is the contamination located within or upstream of a 10-year wellhead protection area? ☐ yes ☐ no ☐ unknown

If **“yes”**, or help is needed, see the [Source Water Assessment Program \(SWAP\) Mapping Tool](#)¹³ or call the Department of Health at (800) 521-0323 for information.

2.G.2 Indoor air.

Are contaminant odors noted in any buildings, underground utilities conduits, or other confined spaces?

☐ yes ☒ no ☐ unknown

If **“yes”**, specify below. If you need to add more information, go to [2.G.2](#) in the additional information pages at the end of this form.

2.H Site maps.

Attach to this application maps that identify:

- site location
- affected properties and public rights-of-way
- source(s) of release(s)
- nature and extent of contamination
- impacted human or ecological receptors (e.g., through drinking water supplies)
- site physical characteristics (e.g., property lines, building and roadway outlines, surface water bodies, water supply wells, groundwater flow direction, and utility rights-of-way)
- adjacent properties and their uses (e.g., gas station, dry cleaner, residential).

Part 3 – Operational History

3.A Current use of source property. The following refers to only the source property and **not** other properties affected by the site contamination. Add information to the best of your ability.

3.A.1 Current property owners. Identify the current owner of the source property.

Name: Bruce Anderson

Title: Owner

Organization: MBA NW 73rd St LLC

Mailing address: 7420 SE 24th St, Suite 4

¹³ <https://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater/SourceWater/GISMappingTool>

Part 3 – Operational History

City: Mercer Island	State: WA	Zip: 98040
Phone: 206-402-4325		
3.A.2 Current business owner (operator). Identify the current business owner operating on the source property.		
Name: Bruce Anderson	Title: Owner	
Organization: MBA NW 73 rd St LLC		
Mailing address: 801 2 nd Ave, Suite 700		
City: Seattle	State: WA	Zip: 98104
Phone: 206-397-3579		
3.A.3 Current business operations. Identify the current business operations on the source property.		
What is the current land use of the source property? Check all that apply .		
<input type="checkbox"/> residential <input checked="" type="checkbox"/> commercial <input type="checkbox"/> industrial <input type="checkbox"/> agricultural <input type="checkbox"/> childcare facility <input type="checkbox"/> school <input type="checkbox"/> park <input type="checkbox"/> other – specify:		
Does a commercial or industrial business currently operate on the source property?		
<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown		
If “yes” , identify in the following table the current business operations using the North American Industry Classification System (NAICS) codes and specifying the operations.		
NAICS Code	Operations Description	
Ex: 447110	Gasoline stations with convenience stores	
Is a solid waste handling facility located on the source property?		
<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown		
If “yes” , identify below. If you need to add more information, go to <u>3.A.3</u> in the additional information at the end of this form.		
Is a dangerous waste treatment, storage, or disposal facility located on the source property?		
<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown		
If “yes” , identify here: .		
If you need to add more information, go to <u>3.A.3</u> in the additional information pages at the end of this form.		

Part 3 – Operational History

3.A.4 Regulation of current business operations.

Does the business operate under any federal, state, or local permits (e.g., NPDES) related to the release of hazardous substances into the environment? ☐ yes ☒ no ☐ unknown

If “yes”, specify below the regulated operation, the name of the permit, and the date it was issued.

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 “yes”, 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 “yes”, list in the following table.

Release	Date of release	Status of release

3.A.5 Storage tank information. Identify all aboveground storage tanks (ASTs) and USTs that have been used to store hazardous substances on the source property, regardless of whether the tanks are still in service or in place. Enter “U” where unknown.

Identification				Status and Closure				Releases	
Hazardous substance	AST or UST	Size (gal.)	Tank ID	Date installed	In use (y/n)	Date closed	Closure method (*)	Past (y/n)	Current (y/n)
Ex: diesel	UST	10,000	4	02/87	N	5/98	removed	Y	N
waste oil	AST	250	U	U	N	U	U		N
lube oil	AST	250	U	U	N	U	U		N

(*) Options = removed or closed in place.

3.B Past use of source property. The following refers to only the source property, not other properties affected by the site.

3.B.1 Past property owners. Identify the owner of the source property when the release occurred.

Name: Timothy Grout	Title: Agent
Organization: Jubilee 95 LLC	

Part 3 – Operational History

Mailing address: 6652 Waterton Circle		
City: Mukilteo	State: WA	Zip: 98275
Phone: 425-322-3148	Fax:	Email: tgrout@goldlinkinc.com
3.B.2 Past business owners (operators). Identify the site business owner (operator) when the release occurred.		
Name: Tim Gout		Title: Owner
Organization: Jubilee 95 LLC		
Mailing address: 6652 Waterton Circle		
City: Mukilteo	State: WA	Zip: 98275
Phone: 425-322-3148	Fax:	Email: tgout@goldlink.com
3.B.3 Identification of past business operations. Identify the past operations of businesses on the source property using the NAICS codes and/or specifying the operations.		
NAICS Code	Operations description	
Ex: 447110	Gasoline stations with convenience stores	
811191	Automotive oil and lubrication shops	
811114	Specialized automotive repair shop	
3.C Future use of source and affected properties. The following refers to both source and affected properties.		
Will any ownership interest in the source property or affected properties be conveyed before or upon cleanup completion? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> unknown		
If “yes”, specify below. If you need to add more information, go to <u>3.C</u> in the additional information pages at the end of this form.		

Part 3 – Operational History

3.D Redevelopment plans as part of cleanup.

Will any of the source or affected properties, or portions of those properties, be redeveloped as part of the cleanup? ☐ yes ☒ no ☐ unknown

If “yes”, specify below the proposed land use. Check **all that apply**.

- ☐ residential ☐ school ☐ commercial ☐ industrial ☐ childcare facility
☐ agricultural ☐ park ☐ other – specify:

Also, specify below the activities proposed for that land use. If you need to add more information, go to [3.D](#) in the additional information pages at the end of this form.

Part 4 – Administrative history

Have you previously reported the release(s) of hazardous substances?

☐ yes ☒ no ☐ unknown If “yes”, when? _____

Has cleanup of the site, or any portion of the site, ever been managed under the **Standard VCP** or **Expedited VCP**? ☐ yes ☒ no ☐ unknown

If “yes”, specify **Standard VCP** or **Expedited VCP** project number: _____

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

☐ yes ☒ no ☐ unknown If “yes”, specify type and docket number: _____

Part 5 – Independent remedial actions

5.A Scope of remedial actions.

Do you plan to characterize and investigate all site contamination, including contamination on affected adjacent properties, as part of your cleanup project? ☒ yes ☐ no ☐ unknown

If “no”, describe below the scope of the cleanup project, including the contamination (properties, portions of a property, media and/or hazardous substances) that you **do not** plan on characterizing or investigation as part of the **Standard VCP** or **Expedited VCP** project. If you need to add more information, go to [5.A](#) in the additional information pages at the end of this form.

Part 5 – Independent remedial actions

5.B Status of remedial actions.

What is the current status of remedial actions at the site? Check **all that apply** in table.

Remedial action	Planned	Ongoing	Completed	Not applicable
Initial response (UST only)				X
Interim action				X
Remedial investigation			X	
Feasibility study			X	
Cleanup action			X	

5.C Documentation of remedial actions.

List all known remedial action plans or reports produced for the site, including:

- title
- preparer
- date produced
- whether submitted to us
- date submitted to us

If you need to add more information, go to 5.C in the additional information pages at the end of this form.

	Title	Preparer	Date	Submitted to Ecology	
				yes/no	date
Ex:	Jane Doe site: Remedial Investigation Work Plan	Freedom Consulting	02/20/19	no	n/a
1	Limited Phase II Midas Muffler	Terra Associates, Inc.	11/02/20	no	
2	Phase II Environmental Site Assessment	Terra Associates, Inc.	05/13/21	no	
3	Phase II Environmental Site Assessment	Terra Associates, Inc.	11/09/21	no	
4	Remedial Investigation/ Feasibility Study	Terra Associates, Inc.	06/03/22	no	
5					
6					
7					
8					
9					
10					

Part 6 – Statement and signature

6.A Statement and signature. The undersigned **affirms** that the information provided in this application is true and accurate to the best of the applicant's knowledge. Someone other than the **applicant** may sign this application form.

Name: Nicolas R. Hoffman

Title: Senior Project Geologist

Signature: 

Date: 7/25/2022

Organization: Terra Associates, Inc

Mailing address: 12220 113th Avenue

City: Kirkland

State: WA

Zip: 98034

Phone: (425) 821-7777

Email: NHoffman@terra-associates.com

Fax:

6.B Affiliation.

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

☐ applicant

☐ property owner

☒ consultant

☐ attorney

☐ other - specify:

Expedited VCP note: While anyone may sign the **application form**, only certain types of applicants are eligible to join **Expedited VCP process** and sign the **Expedited VCP agreement**. To sign the agreement, the applicant **must** have an ownership interest in or operate the facility or have a contractual right to purchase, redevelop, or reuse the facility. If the applicant is a corporation, a representative authorized to bind the corporation **must** sign the **Expedited VCP agreement**.

If you need this publication in an alternative format, please call the Toxics Cleanup Program at 360-407-7170 or visit our [Toxics Cleanup Program webpage](https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup).¹⁴ Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

¹⁴ <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>

Additional Information Pages

Insert information here that does not fit into the application format above.

<u>2.C</u> Affected properties (continued)	
5	Address:
	Tax parcels:
6	Address:
	Tax parcels:
7	Address:
	Tax parcels:
8	Address:
	Tax parcels:
9	Address:
	Tax parcels:
10	Address:
	Tax parcels:

<u>2.D</u> Public rights-of-way affected by the releases (continued)

<u>2.F.1</u> Release source(s) (continued)

<u>2.F.2</u> Release circumstances (continued)

<u>2.F.2</u> Release circumstances (continued)

<u>2.F.3</u> Release discovery circumstances (continued)
margin of the existing building to maintain footing support. Shallow soil vapor sampling has shown the vapor to the indoor space of the building has been broken.

<u>2.G.2</u> Indoor air (continued)

<u>3.A.3</u> Current business operations (continued)

<u>3.C</u> Future use of source and affected properties (continued)

<u>3.D</u>	Redevelopment plans (continued)

<u>5.A</u>	Scope of remedial actions (continued)

<u>5.C</u>	Documentation of remedial actions (continued)

<u>5.C</u>	Documentation of remedial actions (continued)



How to use this checklist

**Determination
verification**
(for use by Ecology)

- **Department of Ecology** (Ecology)
 - Voluntary Cleanup Program (VCP)
- **Pollution Liability Insurance Agency** (PLIA)
 - Petroleum Technical Assistance Program (PTAP)
 - Heating Oil Technical Assistance Program (HOTAP).

☐ correct

☐ incorrect

What these programs provide

Ecology and PLIA may provide informal, site-specific, technical consultations for independent cleanup actions. Each can provide such consultations under the Model Toxics Control Act (MTCA), chapter 70A.305 RCW, and its implementing regulations chapter 173-340 WAC and RCW 70A.330.040(9).

Applying to Ecology's VCP

You can apply for one of two VCP processes: Standard VCP process and Expedited VCP process. The eligibility requirements for the Standard VCP process and Expedited VCP process are listed on the [Standard VCP webpage](#)¹ and the [Expedited VCP webpage](#),² respectively.

1. **Standard VCP process:** Complete your Standard VCP application, which **must** include all required materials listed in the VCP application form, following its instructions. Submit your completed application to the appropriate Ecology regional office, based on your site's [county](#).³
2. **Expedited VCP process:** Complete your Expedited VCP application, which **must** include all required materials listed in the VCP application form, following its instructions. Subscribe to the Expedited VCP [email list](#) to receive notices and updates of when Ecology opens or closes its application periods.

¹ <https://ecology.wa.gov/VCP>

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/VCP-Expedited>

³ <https://ecology.wa.gov/About-us/Get-to-know-us/Contact-us/Regional-contacts>

Applying to PLIA's HOTAP or PTAP

Follow PLIA's application instructions on the [PLIA website](#)⁴ when applying for HOTAP or PTAP.

Part 1 - Administration**1.A. Fill in the applicant name and application submission date:**

Applicant name: MBA NW 73rd, LLC

Application submission date: 7/26/2022

1.B. Final agency determination of eligibility

Complete this [Part 1.B](#), after reviewing site eligibility in **Parts 2 through 6** in this form:

- ☒ Apply for Ecology's VCP
- ☐ Apply for PLIA's PTAP or HOTAP

Part 2 – Non-heating oil petroleum tank release sites

PLIA has responsibility for some non-heating-oil petroleum tank release sites (i.e., storage tank systems that contain petroleum or a mixture of petroleum with de minimus quantities of other substances) meeting inclusionary/exclusionary factors developed jointly by Ecology and PLIA, in accordance with RCW 70A.330.040(9).

Non-heating-oil petroleum includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used/waste oils.

Non-heating-oil petroleum does **not** include propane, asphalt, or other petroleum products that are not liquid at standard conditions of temperature and pressure.

- ☒ Site is a non-heating-oil petroleum storage tank release site.

If you checked this box, move to [Part 4](#). Otherwise, **STOP**. Apply for Ecology's VCP.

Part 3 – Heating oil tank release sites

As of July 23, 2017, Ecology and PLIA policies dictate that independent remedial actions at heating oil tank release sites can best serve Washington residents, and provide greater flexibility and capacity for cleanup of contaminated sites, when conducted under PLIA's HOTAP.

Heating oil includes petroleum products used for space heating in oil-fired furnaces, heaters, and boilers, and includes stove oil, diesel fuel, or kerosene.

Heating oil does **not** include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing, or generating electrical energy.

⁴ plia.wa.gov

3.A. Heating oil tank release sites

PLIA is responsible for heating oil tank release sites, with the exception of sites that meet both requirements in [Part 3.B](#).

- ☐ This site is an abandoned, active, or decommissioned heating oil tank release site (including tanks above ground, below ground, or in a basement).

If you checked this box, move to [Part 3.B](#). Otherwise, skip to [Part 4](#).

3.B. Comingled contamination

If comingled contamination exists at your site, your site is no longer considered a heating oil tank release site, but you may apply for Ecology's VCP or PLIA's PTAP.

- ☐ Comingled contamination exists at your site.

If you checked this box, move to [Part 4](#). Otherwise, skip to [Part 3.C](#).

3.C. Heating oil tank release site exemptions

Ecology and PLIA may agree to allow Ecology to make heating oil tank release site determinations for releases that involve sites already being cleaned up under Ecology's authority.

- ☐ The heating oil tank release occurred at a site already being cleaned up under Ecology's authority.
- ☐ Ecology and PLIA have agreed that Ecology can make a heating oil tank release site determination for this site.

If you checked either box, **STOP**. Apply for Ecology's VCP.

If you did **not** check either box, **STOP**. Visit [PLIA's website](#) to apply for HOTAP.

Part 4 – Inclusionary factors

Ecology and PLIA have jointly developed inclusionary factors for non-heating-oil petroleum tank release sites. If a non-heating-oil petroleum tank release site meets any of the factors in [Parts 4.A](#) and [4.B](#), you may apply for PLIA's PTAP (depending on results from completing [Part 5](#)).

4.A. Ranking and inclusionary factors

The following inclusionary factors are based on the [Washington Ranking Method \(WARM\) Scoring Manual](#).⁵

- ☐ The site has been ranked a 3, 4, or 5, based on a WARM Site Hazard Assessment.
- ☐ The site has been ranked a 1 or 2, based on a WARM Site Hazard Assessment but does not include complete surface water or sediment contamination pathways.

If you checked either box, move to [Part 5](#).

If you did not check either box (site has not been ranked), move to [Part 4.B](#).

⁵

<https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>[https://fortress.wa.gov/ecy/publication s/SummaryPages/90014.html](https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html)

4.B. Funding and site type factors

The following inclusionary factors represent applicable factors that may apply, regardless of a site's WARM ranking.

1. Funding factors – the site is:

- ☐ covered by PLIA insurance
- ☐ a recipient of a PLIA grant or loan.

2. Site type factor

- ☒ The site involves a release from non-heating-oil petroleum storage tank system(s) and does not include surface water or sediment contamination pathways.

If you checked any of these boxes, move to [Part 5](#).

If you did **not** check any of these boxes, **STOP**. Apply for Ecology's VCP.

Part 5 – Exclusionary factors

Ecology and PLIA have jointly developed exclusionary factors for non-heating-oil petroleum release tank sites. If a non-heating-oil petroleum release tank site meets any of the exclusionary factors in [Part 5](#), apply for Ecology's VCP. Your project may not be eligible for PLIA's PTAP, unless the conditions stated in [Part 5.B](#) are met.

5.A. Location, legal, funding, VCP, and site type factors

1. Location factors – the site is within the bounds of or impacting:

- ☐ a U.S. Environmental Protection Agency Superfund site
- ☐ an Ecology Nuclear Waste Program-managed site
- ☐ an Ecology Industrial Section site
- ☐ an Ecology Hazardous Waste Toxics Reduction Program Dangerous Waste site.

2. Legal factors

- ☐ A potentially liable party (PLP) dispute about liability is in progress.
- ☐ Other litigation regarding your site, such as court supervision or agreed order, is in progress.
- ☐ The site is being remediated under an active control between Ecology and the PLP.

3. Funding factors

- ☐ Site remediation is funded, with Ecology as the sole or leading funding agency.
- ☐ The applicant is a local government planning to apply for an Independent Remedial Action Grant from Ecology. For information about the grant program, including cultural resource consultation requirements, visit our [Independent remedial action grants webpage](#)⁶.

⁶ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants>

- ☐ Other litigation regarding your site, such as court supervision or agreed order, is in progress.
- ☐ The site is being remediated under an active control between Ecology and the PLP.

4. Site type factors

- ☐ The site has known impacts to surface water or sediment.
- ☐ The site consists of comingled non-petroleum and non-incident contaminants not related to the operations of the site (including contaminant migration from off site).

If you checked any of these boxes, move to [Part 5.B](#).

If you did **not** check any of these boxes, **STOP**. Visit [PLIA's website](#) to apply for PTAP.

5.B. Site characterization exemption

Ecology and PLIA may jointly override other exclusionary factors, based on the results of site characterization, in accordance with MTCA.

- ☐ Exclusionary factors identified in [Part 5.A](#) have been overridden by a joint decision between Ecology and PLIA, based on the results of a site characterization, in accordance with MTCA. **If applicable, include supporting documentation.**

If you checked this box, **STOP**. Visit [PLIA's website](#) to apply for PTAP.

If you did not check this box, **STOP**. Apply for Ecology's VCP. This determination does not guarantee acceptance into the VCP. Based on site-specific information, we may decide to supervise remedial action at the site under an order or decree.

Part 6 – Check that box

After completing all the required parts of this form, go back to the top of the form, and **check** the appropriate eligibility box in [Part 1.B](#).

Accommodation Requests

If you need this publication in an alternative format, please call the Toxics Cleanup Program at (360) 407-7170 or visit our [Toxics Cleanup Program webpage](#).⁷ Persons with hearing impairment can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.

⁷ <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>