



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

March 1, 1999

Ron Isaacs
Motion Financial Management LTD.
100 Park Royal South, Suite 200
West Vancouver, B.C. V7T 1A2

Dear Mr. Isaacs:

Re: Voluntary Cleanup Program -
Former Orestes Restaurant Property, 14 Roy Street, Seattle, WA., USA

Thank you for submitting your reports to the Washington State Department of Ecology (Ecology) for review. Ecology appreciates your initiative in pursuing a voluntary cleanup under the Model Toxics Control Act.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the former Orestes Restaurant property, located at 14 Roy Street, Seattle, WA., USA:

1. Report by Clayton Environmental Consultants (Clayton), 4636 E. Marginal Way S., Suite 215, Seattle, WA., titled "Soil and Groundwater Investigation Report at Orestes Site, Seattle, WA., for Roy Street Holdings, Inc. (RSHI), Vancouver, B.C. (Clayton Project No. 66314.00)", dated March 11, 1996.
2. Report by Clayton, titled "Summary Figures and Tables of the Soil and Groundwater Investigation Report at Orestes Site, Seattle, WA., for RSHI, Vancouver, B.C. (Clayton Project No. 66314.00)", dated April 9, 1996.
3. Report by Quality Environmental Services Team, Inc., 15823 60th Dr. S.E., Snohomish, WA., titled "Results of Underground Storage

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Tank Removal Program at 14 Roy Street, Seattle, WA.", for RSHI, and dated May 15, 1998.

4. SEPA report from the City of Seattle, Determination of Non-Significance (DNS) with conditions, for RSHI, dated May 22, 1998.
5. Report by GEOTECH Consultants, Inc., Bellevue, WA., titled "Geotechnical Engineering Study", for RSHI, and dated June 15, 1998.
6. Report by Kleen Environmental Technologies, Inc. (Kleen), 754 Garfield Street, Seattle, WA., for Motion Financial Management Ltd. (MFML), and dated July 24, 1998.
7. Report by Kleen, for MFML, and dated August 17, 1998.
8. Report by Kleen Environmental, Inc. (a.k.a., Kleen), titled "Review Draft - Cleanup Action Plan, 14 Roy Street, Seattle Washington", for MFML, dated November, 1998.
9. Report by Kleen, titled "Remedial Action: Draft Cleanup Report, 14 Roy Street, Seattle Washington", for MFML, dated February, 1999.

The reports listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at NWRO at (425) 649-7190.

Based upon the above listed information, Ecology has determined that the release of petroleum hydrocarbon products, including chlorinated solvents and fuels, into the soil and groundwater at this site no longer poses a threat to human health or the environment. Therefore, Ecology is issuing this determination that no further remedial action is necessary for the above reported releases to soil at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

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Furthermore, you must conduct the necessary monitoring and maintenance to assure that this site does not pose a threat to human health or the environment. Because groundwater was impacted prior to removal of the contaminated soil, groundwater compliance/confirmation monitoring shall be conducted following the completion of the proposed redevelopment of the site. Compliance monitoring wells shall be installed and analytical testing will include, but not be limited to, parameters previously found at the site; halogenated compounds (tetrachloroethylene [perchloroethylene], trichloroethylene, trichloroethane, dichloroethylene, dichloroethane, vinyl chloride), TPH-G, and TPH-D. The designated monitoring well(s) shall include a new well located at the sidewalk near the southwest corner of the property.

The groundwater compliance/confirmation monitoring will be conducted for a period of five years unless eight quarters of consecutive test results show the above listed contaminants to be below applicable MTCA groundwater levels. The owner may request Ecology to conduct an annual review for trend analysis of the contaminants listed above. In the event that a review establishes a decreasing trend, then the owner may request of Ecology a reduced frequency of groundwater monitoring from quarterly to semi-annually.

All sampling results and QA/QC documentation must be sent to Ecology within sixty days following the end of each reporting quarter. All compliance monitoring wells must be maintained to ensure the integrity of the data. Failure to conduct necessary monitoring and maintenance will result in the automatic withdrawal of Ecology's no action determination.

Also, because contaminated soil exists at the southeastern property boundary and apparently extends onto adjacent property, you must notify the owner(s) of those impacted properties of the contaminants remaining on their property; specifically, notification shall be given to the City of Seattle's Department of Construction and Land Use that contaminated soil and groundwater may still exist beneath the sidewalk and Roy Street.

Ecology's no further action determination is made only with respect to the releases identified in the remedial action reports listed above. This no further action determination applies only to the area of the property affected by the release identified in the reports at 14 Roy Street, Seattle, WA. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Ron Isaacs, Mark Isaacs, Trimark International, Inc., Roy Street Holdings, Inc. or Motion Financial Management Ltd.

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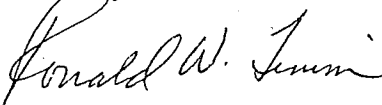
Ecology will update its databases to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed and Suspected Contaminated Sites (CSCS) Report (previously known as the Affected Media and Contaminants Report) or the Leaking Underground Tank (LUST) database.

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

Again, thank you for taking the initiative to voluntarily address the contamination at your site. Your efforts are recognized by Ecology as a positive step in our work to protect human health and the environment in Washington State.

If you have any questions regarding this letter, please contact Ronald W. Timm at 425-649-7185.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Timm".

Ronald W. Timm
Hydrogeologist
Toxics Cleanup Program

RWT