



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 12, 2020

Elton Lee
Ninth and Lenora, LLC.
455 Market Street, Suite 1810
San Francisco, CA 94105

Re: Acceptance of VCP Application for the following Site:

- **Site Name:** Lenora Building
- **Site Address:** 2101 9th Avenue and 2118 Westlake Avenue, Seattle, Washington 98121
- **Cleanup Site ID:** 1802
- **Facility/Site No.:** 91413494
- **VCP Project No.:** NW3277

Dear Elton Lee:

The Department of Ecology (Ecology) has accepted your Voluntary Cleanup Program (VCP) application for the **Lenora Building facility (Site)**. We applaud your initiative and welcome your interest in the VCP. This letter confirms your entry into the VCP and provides important information on how we will manage the Project.

Agreement

Ecology has completed and signed the VCP Agreement governing the Project. The effective date of the Agreement is **June 6, 2020**. A copy of the Agreement is enclosed. Please review it carefully.

Identification

Ecology has assigned a unique name and number to the **Site**. We have also assigned a unique number to your **Project** at the Site. You can find this information in the box at the bottom of the first page of the Agreement. When contacting us, please use this information to identify your Project.

Designated Managers

Communications between Ecology and Lenora Building should be directed through their

designated managers to the maximum extent possible.

- **Ecology**

Ms. Glynis Carrosino is the designated site manager and will respond to your requests:

Ms. Glynis Carrosino
Department of Ecology
Toxic Cleanup Program, NWRO
3190 160th Ave. SE
Bellevue, WA 98008
Phone: (425) 649-4422
E-mail: gcar461@ecy.wa.gov

- **Lenora Building**

The application designated you as the project manager for the site. We will therefore respond only to your requests. If someone replaces you as the project manager or your contact information changes, please submit a Change of Contact Form. You may download the Form from our VCP web site: <http://www.ecy.wa.gov/programs/tcp/vcp/vcp2008/vcpForms.html>

Requests for Written Opinions

In your application, you requested a written opinion on the sufficiency of your cleanup actions. Ecology will review the documents you submitted and provide you a written opinion within about 90 days.

Reporting Requirements

When requesting written opinions on planned or completed remedial actions, please comply with the following reporting requirements:

1. **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.
2. **Data Submittal.** Environmental sampling data must be submitted in both a printed form and an electronic form capable of being transferred into our data management systems. For instructions on how to submit data, please refer to the following web site: www.ecy.wa.gov/programs/tcp/data_submittal/data_requirements.htm.

Failure to comply with these requirements may result in unnecessary delays.

Payment

Ecology will send monthly invoices to you, the billing contact designated in the Application Form. If someone replaces you as the billing contact or your contact information changes, please submit a Change of Contact Form. The Form is available on the VCP web site.

The invoice will include a summary of the costs incurred, payments received, identity of staff involved, and the amount of time spent on the Project during the previous month. Payment is due within thirty days of the invoice date. For more information on the billing system, please refer to the VCP web site.

Site Status

Under the Model Toxics Control Act (MTCA), Ecology maintains a list of contaminated sites. Based on your VCP application, Ecology has determined that remedial action is required at the Site under MTCA and has added the Site to the list. Your cooperation in planning or conducting remedial actions at the Site is appreciated and is not an admission of guilt or liability. This "Early Notice" is required under WAC 173-340-310(6)(b).

Contact Information

We are committed to working with you to accomplish the prompt and effective cleanup of the Site. Again, if you have any questions about the VCP or your Project, please contact Ms. Glynis Carrosino at gcar461@ecy.wa.gov or at (425) 649-4422

Sincerely,



Sonia Fernández
VCP Coordinator
Toxics Cleanup Program, NWRO

SF:sf

Enclosure: Copy of VCP Agreement

cc: Dave Cook, Aspect Consulting, LLC. (e-mail)
Kelli Barker, VCP Fiscal Analyst (e-mail)



TRANSMITTAL

Project No.: 170291

May 22, 2020

Attn: Sonia Fernandez VCP Coordinator – Northwest Region Department of Ecology Northwest Regional Office 3190 - 160 th Avenue SE Bellevue, WA 98008-5452	Re: VCP Application Package and Cleanup Action Report for Stratus Project (aka Lenora Building Site), Seattle, WA
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We are sending the following via:

- | | | |
|---|---------------------------------------|--|
| <input checked="" type="checkbox"/> Email | <input type="checkbox"/> Express Mail | <input type="checkbox"/> Hand Deliver |
| <input type="checkbox"/> Overnight Delivery | <input type="checkbox"/> Courier | <input type="checkbox"/> Client Pickup |

Qty	Description
1	Agency Determination Checklist Signed
1	VCP Application Form
1	Signed VCP Agreement
1	Signed Request for Opinion Form
1	Cleanup Action Report, Stratus Project (aka Lenora Building Site), dated March 26, 2020

Remarks: Aspect Consulting, LLC (Aspect) is submitting the attached electronically signed Voluntary Cleanup Program (VCP) application package consisting of the above listed five documents on behalf of Ninth and Lenora LLC, owner of the Stratus Apartments Project (Stratus, aka Lenora Building Site), King County Tax Parcel Numbers 0660000540 and 0660000545) in Seattle, Washington.

The Stratus project was an independent cleanup and redevelopment project completed in 2016 that consisted of contamination source removal and excavation and permitted offsite disposal of approximately 14,550 tons of contaminated soil. The Stratus project was previously enrolled in the VCP (VCP Project #NW2980, Lenora Building Site) on June 8, 2015 (Facility Site ID: 91413494 and Cleanup Site ID: 1802).

TRANSMITTAL

VCP Application Package Transmittal. 170291

A Remedial Investigation and Feasibility Study (RI/FS) Report dated March 24, 2016, and a Cleanup Action Report (CAR) dated March 25, 2016, were both prepared by GeoEngineers, Inc. (GeoEngineers, Environmental Consultant for the project at the time) and submitted to Ecology in 2016. Subsequently, Ecology (Glynis Carrosino, Site Manager) issued a Property-specific No Further Action (NFA) opinion in 2017 based on the 2016 RI/FS and 2016 CAR documents.

New information regarding the property boundaries was discovered in 2018. Ninth and Lenora representatives (William Joyce of Joyze, Ziker, and Parkinson PLLC [JZP] and David Cook and Fasih Khan of Aspect) met with Ecology (Glynis Carrosino and Louis Bardy) on July 23, 2019, and provided a project update. Ecology suggested re-enrollment of the Stratus project in the VCP under a new application along with a revised Cleanup Action Report for closure.

The attached 2020 Cleanup Action Report was prepared by Aspect under the seal of a Washington State licensed geologist and a Washington State licensed engineer and supersedes the 2016 Cleanup Action Report prepared by GeoEngineers.

The attached VCP application package contains a Request for Opinion Form for continuance of the 2017 Property-specific NFA based on the 2020 Cleanup Action Report. Note that the Terrestrial Ecological Evaluation Exemption (TEE) Form is presented as an appendix in the attached 2020 Cleanup Action Report.

Aspect can submit paper copies of the attached VCP package if Ecology desires.

cc: Elton Lee Vice President, GID c/o Ninth and Lenora LLC elee@gid.com	Sent by: David A. Cook, LG, CPG Principal Geologist dcook@aspectconsulting.com <hr/> Eric Marhofer, PE Associate Engineer emarhofer@aspectconsulting.com <hr/> Fasih Khan Project Manager fkhan@aspectconsulting.com
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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 Ninth and Lenora 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: Lenora Building or Stratus: 820 Lenora Street (formerly 2101 9th Avenue), Seattle, WA 98121

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.

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 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: <u>Lenora Building</u>
	Facility / Site No.: <u>91413494</u>
	VCP Project No.: <u>NW3277</u>

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

Robert W. Warren

Printed Name

Section Manager, NWRO
Toxics Cleanup Program Section

Date: June 9, 2020

Ninth and Lenora LLC

Name of Customer



Signature

Elton Lee

Printed Name of Signatory

Vice President

Title of Signatory

Date: May 8, 2020

If you need this document in an alternative 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.



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: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>

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:	Ninth and Lenora LLC
What type of entity is the Customer?	
<input type="checkbox"/> Person	<i>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.</i>
<input checked="" type="checkbox"/> Organization	<i>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.</i>
What is the Customer’s involvement at the Site? Please check all that apply.	
<input checked="" type="checkbox"/> Property owner	<input type="checkbox"/> Business owner (operator)
<input type="checkbox"/> Past property owner	<input type="checkbox"/> Mortgage holder
<input type="checkbox"/> Future property owner	<input type="checkbox"/> Consultant
<input type="checkbox"/> Property lessee	<input type="checkbox"/> Attorney
<input type="checkbox"/> Other – please specify: _____	
If not the current property owner, is the Customer acting as the agent for the property owner?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If not the current property owner, is the Customer authorized to grant access to the property?	
<input type="checkbox"/> Yes <input type="checkbox"/> 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: Elton Lee		Title: Vice President
Mailing address: 455 Market Street, Suite #1810		
City: San Francisco	State: CA	Zip: 94105
Phone: 415.495.3003	Fax:	E-mail: ELee@gid.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: Same as above		Title:
Mailing address:		
City:	State:	Zip:
Phone:	Fax:	E-mail:

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: David A. Cook		Title: Principal
Organization: Aspect Consulting, LLC		
Mailing address: 710 2nd Avenue, Suite 550		
City: Seattle	State: WA	Zip: 98104
Phone: 206.838.5837	Fax:	E-mail: dcook@aspectconsulting.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?

Please see attached Cleanup Action Report.

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

Alternate Name: **Stratus**

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: **820 Lenora Street (Former address: 2101 9th Avenue)**

City: **Seattle** State: **WA** Zip: **98121**

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: 01.53
	LONGITUDE :	Degrees: 122	Minutes: 20	Seconds: 16.19
LOCATION ON PROPERTY: [e.g., point of release or center of parcel]		Center		
COLLECTION METHOD: [e.g., GPS or address matching]		Address Matching		
COLLECTION SOURCE: [i.e., map scale]		Google Earth		
HORIZONTAL DATUM: [i.e., base reference for coordinate system]				
ACCURACY LEVEL: [i.e., +/- feet or meters]		10 feet		

Legal Descriptions.

TRS DATA: Township: **25** Range: **4 East** Section: **31** Quarter-Quarter: **NE**

TAX PARCEL #(s): **0660000540 and 0660000545**

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: 2116 Westlake Avenue, Seattle, WA 98121
	Tax Parcel(s): 066000-0485
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.

Lenora Street and an alley

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

Area-Wide Soil Contamination. For information about the area-wide soil contamination project, please refer to the following web site: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Dirt-Alert-program>. For information about the Tacoma Smelter Plume (TSP) and the associated Management Plan, please refer to the following web site: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Tacoma-smelter>

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
Gasoline-range hydrocarbons	C	N/A	N/A	N/A	N/A
Diesel-range hydrocarbons	C	N/A	N/A	N/A	N/A
Heavy oil-range hydrocarbons	C	N/A	N/A	N/A	N/A
Polycyclic aromatic hydrocarbons	C	N/A	N/A	N/A	N/A
Benzene	C	N/A	N/A	N/A	N/A
Toluene	C	N/A	N/A	N/A	N/A
Lead	C	N/A	N/A	N/A	N/A

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:	Title:
Organization: Ninth and Lenora LLC	
Mailing address: 125 High Street, High Street Tower, 27th Floor	
City: Boston	State: MA Zip code: 02110
Phone:	

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

Name:	Title:
Organization: Same as above	
Mailing address:	
City:	State: Zip code:
Phone:	

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 checked="" type="checkbox"/> Residential	<input type="checkbox"/> School
<input 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

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
Not Applicable									

(*) 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: Unknown 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: Unknown 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

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

Please also specify the activities proposed for that land use:

The source property was redeveloped as Stratus, a multi-storeyed residential apartments tower.

The affected property to the southwest was redeveloped as a public park. Please see the attached Cleanup Action Report.

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? **March 2016** 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: **NW2980**
 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.

Please see the attached Cleanup Action Report.

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)				
INTERIM ACTION				
REMEDIAL INVESTIGATION			X	
FEASIBILITY STUDY			X	
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.	Construction Contingency Plan	GeoEngineers, Inc.	12/12/14	Y	Dec 2014
2.	NE Heating Oil UST Removal and Site Assessment Report	GeoEngineers, Inc.	07/13/15	Y	July 2015
3.	Remedial Investigation/Feasibility Study	GeoEngineers, Inc.	03/24/16	Y	Apr 2016
4.	Cleanup Action Report	GeoEngineers, Inc.	03/25/16	Y	Apr 2016
5.	Cleanup Action Report	Aspect Consulting, LLC	03/20/20	Y	March 2020
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: Elton Lee	Title: Vice President
Signature: 	Date: May 8, 2020
Organization: Ninth and Lenora LLC	
Mailing address: 455 Market Street, Suite #1810	
City: San Francisco	State: CA Zip code: 94105
Phone: 415.495.3003	Fax: E-mail: ELee@gid.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: **Representative of the Property Owner/Customer**

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.



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: **Lenora Building (alternate name: Stratus)**

Facility/Site Address: **820 Lenora Street (formerly 2101 9th Avenue), Seattle, WA 98121**

Facility/Site No: **91413494**

VCP Project No.: **To be determined**

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: **Elton Lee**

Title: **Vice President**

Signature: 

Date: **May 8, 2020**

Organization: **GID c/o Ninth and Lenora LLC**

Mailing address: **455 Market Street, Suite #1810**

City: **San Francisco**

State: **CA**

Zip code: **94105**

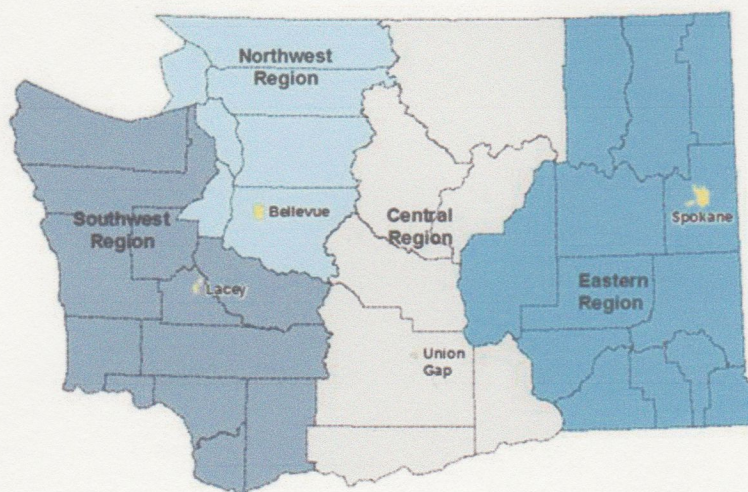
Phone: **415.495.3003**

Fax:

E-mail: **ELee@gid.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.



Agency Determination

Washington State Department of Ecology

AGENCY DETERMINATION CHECKLIST

Who should use this checklist?

If you're independently cleaning up a tank release of a hazardous substance, this checklist helps you determine which one of three Washington technical assistance programs is most appropriate for providing consultation for your cleanup:

1. **Voluntary Cleanup Program (VCP)** under Washington State Department of Ecology (Ecology),
2. **Heating Oil Technical Assistance Program (HOTAP)** under the Pollution Liability Insurance Agency (PLIA), or
3. **Petroleum Technical Assistance Program (PTAP)** under PLIA.

What do these programs provide?

All three programs may provide informal, site-specific technical consultations to people who are conducting independent remedial actions at hazardous waste sites. This checklist helps you determine which one your site is eligible to use. Ecology and PLIA 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, and Chapter 70.149.040 (9) RCW.

Both Ecology and PLIA have agency determination checklists; which one should I use?

You can use either checklist initially, but if you submit an application to Ecology's Voluntary Cleanup Program, **you must also submit this checklist** to ensure you've selected the appropriate independent remedial action technical assistance program. Please note that Ecology is not responsible for delays caused by incorrect submissions or determinations based on inadequate data.

I've determined my site is eligible for Ecology's VCP. What do I do next?

1. Complete and submit a VCP Application, which consists of three documents:
 - a. Agency Determination Checklist ← **THIS DOCUMENT**
 - b. Application Form (including required attachments)
 - c. Agreement
2. Find guidance for completing your application in the VCP Application Instructions at: <https://fortress.wa.gov/ecy/publications/documents/ecy02074i.pdf>
These are also available on the VCP webpage at: <http://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>

I've determined my site is eligible to enter PLIA's HOTAP or PTAP. What do I do next?

Please follow PLIA's application directions on their website at www.plia.wa.gov.

Accommodation Requests

To request materials in a format for the visually impaired, visit <https://ecology.wa.gov/accessibility>, call Ecology's ADA Coordinator, at 360-407-7668, Relay Service 711, or TTY 877-833-6341.

Part 1 - ADMINISTRATIONName of customer: **Ninth and Lenora LLC**Application submission date: **May 22, 2020****Final agency determination**To be completed after reviewing site eligibility in **Parts 2-5** below.

- Washington State Department of Ecology (Ecology)
 Washington State Pollution Liability Insurance Agency (PLIA)

Determination Verification

For use only by Ecology

- Correct determination
 Incorrect determination

Part 2 – HEATING OIL TANK RELEASE SITES

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

- Heating oil includes petroleum product used for space heating in oil-fired furnaces, heaters, and boilers, including 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 the generation of electrical energy.

A. Heating oil tank release sites—PLIA is responsible for all heating oil tank release sites, excluding sites meeting both requirements in Part 2, Section B.

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

- If you checked the box, move to **Part 2, Section B**.
- If the box is unchecked, move to **Part 3**.

B. Comingled Contamination—If comingled contamination exists on the site, the site is no longer considered as a heating oil tank release sites, but may be eligible for Ecology's VCP or PLIA's PTAP.

Comingled contamination exists on the site.

- If you checked the box, move to **Part 3**.
- If the box is unchecked, move to **Part 2, Section C**.

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 on a site already being cleaned up under Ecology's authority.

Ecology and PLIA have agreed to allow Ecology to make a heating oil tank release site determination at this site.

- If you checked **both** boxes, **STOP**: the site is eligible for Ecology's VCP.
- If **both** boxes are unchecked, **STOP**: the site is eligible for PLIA's HOTAP.

Part 3 – NON-HEATING-OIL PETROLEUM TANK RELEASE SITES

As of January 1, 2018, PLIA has assumed 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 (Chapter 70.149.040 (9) RCW).

- 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.
- It does not include propane, asphalt, or other petroleum product that is not liquid at standard conditions of temperature and pressure.

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

- If you checked the box, move to **Part 4**.
- If the box is unchecked, **STOP**: the site is eligible for Ecology's VCP.

Part 4 –INCLUSIONARY FACTORS

Ecology and PLIA have jointly developed inclusionary factors for non-heating-oil petroleum release tank sites. If a non-heating-oil petroleum release tank site meets any of the following factors in **Part 4, Section A and Part 4, Section B**, the site is potentially eligible for PLIA's PTAP (depending on results from Part 5).

A. Ranking factors—the following inclusionary factors are based on the *Washington Ranking Method (WARM) Scoring Manual* (publication number 90-14, dated April 1992) available at <https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>

- Site is or has been ranked a 3, 4, or 5 according to WARM Site Hazard Assessment.
- Site is or has been ranked a 1 or 2 according to WARM Site Hazard Assessment, but does not include surface water or sediment contamination pathways.

- If you checked either box, move to **Part 5**.
- If neither box is checked (site has not been ranked), move to **Part 4, Section B**.

B. Funding and site type factors—the following inclusionary factors represent applicable factors that may apply, regardless of WARM ranking.

1. Funding factors

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

2. Site type factor

- Site involves a release from non-heating-oil petroleum storage tank system(s), but does not include surface water or sediment contamination pathways.

- If you checked any of the boxes, move to **Part 5**.
- If none of the boxes are checked, **STOP**: the site is eligible 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 following exclusionary factors the site is eligible for Ecology’s VCP and ineligible for PLIA’s PTAP, unless the conditions set forth in **Part 5, Section B** are met.

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

1. Location factors

- Site is within the bounds or impacting a Superfund site (U.S. EPA).
- Site is within the bounds or impacting a Nuclear Waste Program-managed site (Ecology).
- Site is within the bounds or impacting an Industrial Section-managed site (Ecology).
- Site is within the bounds or impacting a Hazardous Waste Toxics Reduction Program-managed Dangerous Waste site (Ecology).

2. Legal factors

- Potentially liable party (PLP) dispute about liability is in progress.
- Other litigation regarding site, court supervision, or agreed order is in progress.
- Site is being remediated under an active contract between Ecology and the PLP.

3. Funding factors

- Site remediation is funded upfront, with Ecology as the sole or leading funding agency.
- Applicant is a local government planning to apply for a Remedial Action Grant (RAG).
- Other litigation regarding site, court supervision, or agreed order is in progress.
- Site is being remediated under an active contract between Ecology and the PLP.

4. Site type factors

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

- If you checked any of the boxes, move to **Part 5, Section B**.
- If none of the boxes are checked, **STOP**: the site is eligible for PLIA’s PTAP.

B. Site characterization exemption—Ecology and PLIA may jointly override other exclusionary factors based on the results of a site characterization in accordance with MTCA.

- Exclusionary factors identified in **Part 5 – Section 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, please include supporting documentation.**

- If you checked the box, **STOP**: the site is eligible for PLIA’s PTAP.
- If the box is not checked, **STOP**: the site is eligible for Ecology’s VCP.