



Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

March 19, 2024

Ron Danz
Montlake Apartments, LLC.
117 E Louisa Street, #185
Seattle, WA 98102
Ron@nwcrei.com

Re: Application acceptance – Voluntary Cleanup Program

Site name: **Montlake Apartments**
Site address: **2300 24th Ave East, Seattle, Washington 98112**
Facility/Site ID: **99998923**
Cleanup Site ID: **16924**
VCP Project No.: **NW3386**

Dear Ron Danz:

The Department of Ecology (Ecology) accepted your application to the Standard process of the Voluntary Cleanup Program (VCP) for the **Montlake Apartments** 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 18, 2024. 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 you, the project manager, 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:

Jing Song
Toxics Cleanup Program, Northwest Regional Office (NWRO)
Department of Ecology
PO Box 330316
Shoreline, WA 98133
(425) 229-2565
jiso461@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 documents 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 Andrew Weinrich at (425) 229-2565 or at his e-mail at jiso461@ecy.wa.gov.

Sincerely,



Sonia Fernández
VCP Coordinator
Northwest Regional Office, Toxics Cleanup Program
SF/sf

Enclosure: Copy of signed VCP Agreement

cc: Max Wills, Robinson Noble (Terraphase Engineering, Inc.) (Max.Wills@Terraphase.com)
Stacie Belenski, VCP Fiscal Analyst w/o encl. (ecyrevcp@ECY.WA.GOV)

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>

Enclosure

Copy of Signed Standard VCP Agreement



Voluntary Cleanup Program Agreement

Washington State Department of Ecology-Toxics Cleanup Program

For completion by Ecology only
Instructions

Facility/Site Name: **Montlake Apartments**
Facility/Site No.: **99998923**
VCP Project No.: **NW3386**

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 third 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 Washington State Department of Ecology (Ecology) and **Montlake Apartments, 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: **2300 24th Avenue East, Seattle, WA 98112**

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 email or 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.

Voluntary Cleanup Program Agreement
Washington State Department of Ecology - Toxics Cleanup Program

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

Kimberly Wooten

Signature

Kimberly Wooten

Printed name

Section Manager, TCP, **NWRO**

March 18, 2024

Date

Customer signatory

[Signature]

Signature

Ron Danz

Printed name of signatory,

Managing Member, Montlake Apartments, LLC

Title of signatory

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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 may 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.

<p>Northwest Region Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom counties</p> <p>Sonia Fernandez Sonia.Fernandez@ecy.wa.gov (425) 649-7233</p>	<p>Eastern Region Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman counties</p> <p>Ted Uecker Ted.Uecker@ecy.wa.gov (509) 329-3522</p>
<p>Southwest Region Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum counties</p> <p>Nicholas Acklam Nicholas.Acklam@ecy.wa.gov (360) 407-6347</p>	<p>Central Region Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima counties</p> <p>Frosti Smith Frosti.Smith@ecy.wa.gov (509) 454-7841</p>

¹ <https://www.ecy.wa.gov/VCP>

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

³ <http://ecyapfpass/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 process webpage](#)⁵ or subscribe to our **Expedited VCP email list**.

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

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

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

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

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:
What type of entity is the applicant?
<input type="checkbox"/> 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 .
<input type="checkbox"/> Organization An organization applicant must identify the project manager in Part 1.B and the project billing contact in Part 1.C . The organization must employ both persons.

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

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

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

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

⁹ <https://account.box.com/login>

Part 1 – Administration

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

- | | | |
|---|--|--|
| <input type="checkbox"/> property owner | <input type="checkbox"/> business owner (operator) | <input 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:		Title:	
Mailing address:			
City:		State:	Zip:
Phone:	Email:		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:		Title:	
Mailing address:			
City:		State:	Zip:
Phone:	Email:		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:		Title:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Email:		Fax:

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?		
<input type="checkbox"/> yes If “ yes ”, enter the type of entity and skip to Part 1.F . <input type="checkbox"/> 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 .		
<input type="checkbox"/> private	<input type="checkbox"/> tribal	<input type="checkbox"/> federal
<input type="checkbox"/> county	<input type="checkbox"/> municipal	<input type="checkbox"/> public school
<input type="checkbox"/> other – specify: _____	<input type="checkbox"/> state	<input type="checkbox"/> mixed
1.F Request for written opinion.		
Are you requesting a written opinion at this time? <input type="checkbox"/> yes <input type="checkbox"/> no		
If “ yes ”, list the report(s) or plan(s) below you are requesting a written opinion for. Note: Your reports must meet the requirements on our Working with the Voluntary Cleanup Program webpage . ¹⁰		
Attach to this application additional remedial action reports or plans you want us to review. We will base our opinion on the information in the site file, including information attached to this application.		
1.G Reporting requirements. Comply with the following two reporting requirements when requesting written opinions on planned or completed remedial actions.		
1.G.1 Professional licensing. Documents submitted containing geologic, hydrogeologic, or engineering work must be stamped by of an appropriately licensed professional, as required by Chapters 18.220 and 18.43 RCW.		

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

Part 1 – Administration

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.

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	yes
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:

Alternative name:

Part 2 – Site description

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:

City:

State:

Zip:

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

Coordinates	Latitude:	Degrees:	Minutes:	Seconds:
	Longitude:	Degrees:	Minutes:	Seconds:

Location on property
(e.g., point of release or center of parcel)

Collection method
(e.g., GPS or address matching)

Collection source
(i.e., map scale)

Horizontal datum
(i.e., base reference for coordinate system)

Accuracy level
(i.e., +/- feet or meters)

Legal descriptions

TRS data

Township:

Range:

Section:

Quarter-quarter:

Tax parcels

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?

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 [2.C](#) in the additional information pages at the end of this form.

no If “**no**”, skip to **Part 2.D**.

unknown If “**unknown**”, skip to **Part 2.D**.

1	Address:
	Tax parcels:
2	Address:
	Tax parcels:
3	Address:
	Tax parcels:

Part 2 – Site description

4	Address:
	Tax parcels:
2.D Public rights-of-way affected by the releases.	
<p>Do any of the releases affect a public right-of-way (e.g., roadways)? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown</p> <p>If “yes”, specify below. Otherwise, skip to Part 2.E. If you need to add more information, go to 2.D in the additional information pages at the end of this form.</p>	
2.E Extent of the site.	
<p>What is the approximate areal extent of the site? Check only one.</p> <p> <input type="checkbox"/> < 5,000 square feet <input type="checkbox"/> > 5,000 square feet, < 1 acre <input type="checkbox"/> > 1 acre, < 10 acres <input type="checkbox"/> > 10 acres <input type="checkbox"/> unknown </p>	
2.F Description of site release(s).	
2.F.1 Release source(s).	
<p>What are the source(s) of the release(s) at the site? Check all that apply.</p> <p> <input type="checkbox"/> area-wide lead and arsenic soil contamination (see “Area-wide soil contamination” below) <input type="checkbox"/> non-point source (e.g., contaminated soil used as fill) <input type="checkbox"/> point source (e.g., leaking tank) <input type="checkbox"/> unknown <input type="checkbox"/> other – specify: _____ </p> <p>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.</p>	
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.	

Part 2 – Site description

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.

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

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>

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Part 2 – Site description

C = confirmed, greater than cleanup level O = confirmed, not present N/A = not suspected
 B = confirmed, less than cleanup level S = suspected U = unknown

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).

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

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:	Title:	
Organization:		
Mailing address:		
City:	State:	Zip:
Phone:		

3.A.2 Current business owner (operator). Identify the current business owner operating on the source property.

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

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**.

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

Does a commercial or industrial business currently operate on the source property?

yes no 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?

yes no unknown

If “**yes**”, identify below. If you need to add more information, go to [3.A.3](#) in the additional information at the end of this form.

Part 3 – Operational History

Is a dangerous waste treatment, storage, or disposal facility located on the source property?

yes no unknown

If “yes”, identify here: _____

If you need to add more information, go to [3.A.3](#) in the additional information pages at the end of this form.

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

(*) Options = removed or closed in place.

Part 3 – Operational History

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:		Title:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Fax:	Email:	
3.B.2 Past business owners (operators). Identify the site business owner (operator) when the release occurred.			
Name:		Title:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Fax:	Email:	
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	
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 type="checkbox"/> no <input type="checkbox"/> unknown			
If “ yes ”, specify below. If you need to add more information, go to 3.C 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? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown
If “ yes ”, specify below the proposed land use. Check all that apply .
<input type="checkbox"/> residential <input type="checkbox"/> school <input type="checkbox"/> commercial <input type="checkbox"/> industrial <input type="checkbox"/> childcare facility
<input type="checkbox"/> agricultural <input type="checkbox"/> park <input type="checkbox"/> 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? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> 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 ? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> 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? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> 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? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> 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)				
Interim action				
Remedial investigation				
Feasibility study				
Cleanup action				

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					
2					
3					
4					
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:		Title:	
Signature: <i>Max Wills</i>		Date:	
Organization:			
Mailing address:			
City:		State:	Zip:
Phone:	Email:	Fax:	
6.B Affiliation.			
What is the signatory's involvement at the site? Check all that apply .			
<input type="checkbox"/> applicant <input type="checkbox"/> property owner <input type="checkbox"/> consultant <input type="checkbox"/> attorney <input type="checkbox"/> other - specify:			
<p>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.</p>			

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.

2.C 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:

2.D Public rights-of-way affected by the releases (continued)	

2.F.1 Release source(s) (continued)	

2.F.2 Release circumstances (continued)	

<u>2.F.3</u> Release discovery circumstances (continued)

<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)

3.C Future use of source and affected properties (continued)

3.D Redevelopment plans (continued)

5.A Scope of remedial actions (continued)

5.C Documentation of remedial actions (continued)



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:

Facility/Site Address:

Facility/Site No:

VCP Project No.:

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.

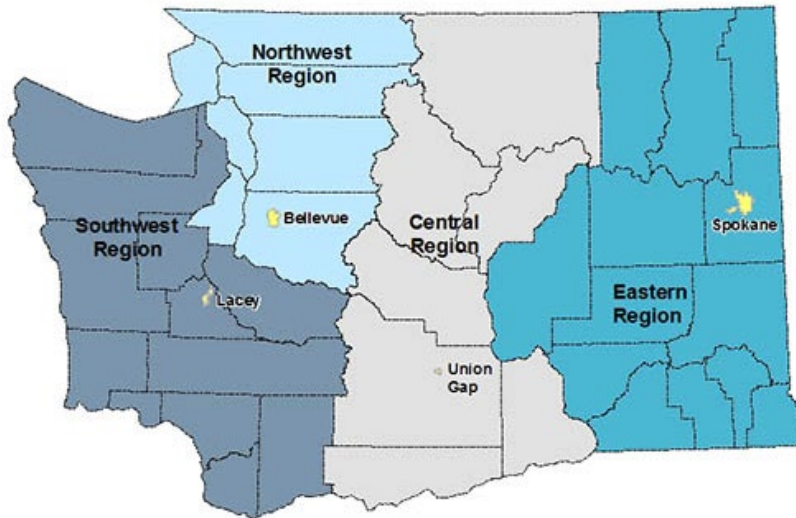
Step 3: REPRESENTATIONS AND SIGNATURE

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:		Title:	
Signature: <i>Max Wills</i>		Date:	
Organization:			
Mailing address:			
City:		State:	Zip code:
Phone:	Fax:	E-mail:	

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.



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

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 Eligibility Form

Washington State Department of Ecology – Toxics Cleanup Program

Use this form to determine which Washington state agency and program to apply for when seeking technical assistance for your independent cleanup of a contaminated site.

Both the Department of Ecology (Ecology) and the Pollution Liability Insurance Agency (PLIA),¹ which are **separate state agencies**, offer such assistance under the following programs.

Ecology

[Voluntary Cleanup Program](#) (VCP)²

PLIA

[Petroleum Technical Assistance Program](#) (PTAP)³

[Heating Oil Technical Assistance Program](#) (HOTAP)⁴

Eligibility verification (for Ecology use only)

- correct
 incorrect

Each program provides technical assistance for only certain types of sites. Ecology provides technical assistance under its VCP for sites that are not eligible for technical assistance under PLIA's PTAP or HOTAP. When applying to enroll in Ecology's VCP, you must submit this form with your application. Use of this form does not guarantee acceptance into the VCP. Ecology may decide to supervise remedial action at your site under an order or decree, based on site-specific conditions.

Part 1 – Applicant information

Applicant name: _____

Application submission date: _____

Part 2 – Identify release source

PLIA provides technical assistance for independent cleanups of sites only where there has been a release from a tank storing heating oil or another type of petroleum. PLIA provides technical assistance for those releases under HOTAP and PTAP, respectively. See Chapter [374-80](#) WAC.⁵

Check only one of the following boxes.

- The site involves a release from a heating oil storage tank. If you checked this box, skip to [Part 3](#).
- Heating oil includes petroleum products used for space heating in oil-fired furnaces, heaters, and boilers, and includes stove oil, diesel fuel, and kerosene.
 - Heating oil does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or off-highway equipment not used for space heating, industrial processing, or generating electrical energy.

¹ <https://plia.wa.gov>

² <https://ecology.wa.gov/VCP>

³ <https://plia.wa.gov/ptap/>

⁴ <https://plia.wa.gov/heating-oil-technical-assistance-program/>

⁵ <https://apps.leg.wa.gov/wac/default.aspx?cite=374-80>

- The site involves a release from a non-heating oil petroleum storage tank. If you checked this box, skip to [Part 4](#).
- Non-heating oil petroleum includes, but is not limited to, petroleum and petroleum-based substances made of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and waste oils.
 - Non-heating oil petroleum does not include propane, asphalt, or any other petroleum product that is not liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute).
- The site does not involve a release from any kind of heating oil or petroleum storage tank. If you checked this box, skip to [Part 5](#), and check “[Ecology’s VCP](#)”.

Part 3 – Identify HOTAP eligibility

A heating oil tank release site may be eligible for technical assistance under PLIA’s HOTAP, unless the site meets one of the exclusionary factors in this Part 3.

Check each of the following boxes that applies to your site.

Site type factors

- The heating oil tank release is commingled with a non-petroleum release.

Agency management factors

- Ecology is currently conducting remedial action at the site.
- Ecology is currently supervising remedial action at the site, under an order or decree, or is currently negotiating an order or decree for the site.
- Ecology and PLIA jointly determine the site should be managed by Ecology. If you check this box, include supporting documentation.

If you checked any of the boxes in this Part 3, go to [Part 5](#) and check “[Ecology’s VCP](#)”. If you did not check any of the boxes, go to [Part 5](#) and check “[PLIA’s HOTAP](#)”.

Part 4 – Identify PTAP eligibility

Ecology and PLIA have jointly developed inclusionary and exclusionary factors for non-heating oil petroleum tank release sites. Such sites may be eligible for technical assistance under PLIA’s PTAP if:

- 1) the site meets any of the inclusionary factors in [Part 4A](#); and
- 2) the site either does not meet any of the exclusionary factors in [Part 4B](#), or Ecology and PLIA jointly override the exclusionary factors under [Part 4C](#).

4A Inclusionary factors

Check each of the following boxes that applies to your site.

Hazard ranking factors – Ecology ranks sites using the [Washington Ranking Method](#) (WARM).⁶

- The site is WARM-ranked a 3, 4, or 5.
- The site is WARM-ranked a 1 or 2, but does not impact surface water or sediment.

Site type factors

- The site does not impact surface water or sediment.

Funding factors

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

If you checked any of the boxes in this Part 4A, go to [Part 4B](#). If you did not check any of the boxes in this Part 4A, skip to [Part 5](#) and check “[Ecology’s VCP](#)”.

4B Exclusionary factors

Check each of the following boxes that applies to your site.

Agency regulation factors – The release is within the bounds of or is impacting:

- an industrial facility regulated by Ecology’s [Solid Waste Program](#)⁷
- a dangerous waste facility regulated by Ecology’s [Hazardous Waste and Toxics Reduction Program](#)⁸
- a nuclear waste facility regulated by Ecology’s [Nuclear Waste Program](#).⁹

Agency management factors

- Ecology is currently conducting remedial action at the site.
- Ecology is currently supervising remedial action at the site under an order or decree, or is currently negotiating an order or decree for the site.
- The U.S. Environmental Protection Agency (EPA) is conducting remedial action at the site, under the federal cleanup law.
- EPA is supervising remedial action at the site, under an order or decree under the federal cleanup law, or is negotiating an order or decree for the site.
- The release otherwise occurred within or impacts a contaminated site managed by EPA, under the federal cleanup law.

⁶ <https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>

⁷ <https://ecology.wa.gov/Waste-Toxics/Solid-waste-litter/Solid-waste>

⁸ <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Waste-reduction-programs>

⁹ <https://ecology.wa.gov/Waste-Toxics/Nuclear-waste>

Other legal factors

- The site is subject to ongoing litigation or court supervision.
- Liability for remedial action at the site is in dispute.

Funding factors

- Site remediation is funded by Ecology as the sole or lead funding agency.
- You are a local government planning to apply for an Ecology [Independent Remedial Action Grant](#).¹⁰ These grants are subject to cultural resource consultation requirements.

Site type factors

- The site impacts surface water or sediment.
- The petroleum storage tank release is commingled with a non-petroleum release that is not related to the petroleum release or facility operations.

If you checked any of the boxes in this Part 4B, go to [Part 4C](#). If you did not check any of the boxes in this Part 4B, go to [Part 5](#) and check “[PLIA’s PTAP](#)”.

4C Joint agency determination

Check the following box, and include supporting documentation, if Ecology and PLIA have jointly determined to override the exclusionary factors in [Part 4B](#), based on the results of a site characterization conducted under Chapter [173-340](#) WAC.¹¹

- If you check this box, go to [Part 5](#), and check “[PLIA’s PTAP](#)”. If you do not check this box, go to [Part 5](#), and check “[Ecology’s VCP](#)”.

Part 5 – Select appropriate technical assistance program

Based on your responses in Parts 2 through 4, select the technical assistance program your site is eligible to apply for by checking the applicable box (check only one):

- | | |
|--|---|
| <input type="checkbox"/> Ecology’s VCP ¹² | <input type="checkbox"/> PLIA’s HOTAP ¹³ |
| | <input type="checkbox"/> PLIA’s PTAP ¹⁴ |

Accommodation Requests

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¹⁰ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Independent-remedial-action-grants>

¹¹ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

¹² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program/Applying>

¹³ <https://plia.wa.gov/heating-oil-technical-assistance-program/>

¹⁴ <https://plia.wa.gov/ptap/>

¹⁵ <https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Toxics-Cleanup>