

ATTORNEYS AT LAW

LAWLER & BURROUGHS, P.C.

BLAIR B. BURROUGHS
BRIAN E. LAWLER

DENISE M. HAMEL

4750 WELLS FARGO CENTER
999 THIRD AVENUE
SEATTLE, WASHINGTON 98104
(206) 682-0191 • FAX (206) 682-3584

October 22, 1999

RECEIVED

OCT 25 1999

DEPT. OF ECOLOGY

Mr. John Lilly
DEPARTMENT OF ECOLOGY
Northwest regional Office
3190 - 160th Ave SE
Bellevue, WA 98008-5452

RE: Request For NFA Letter
Jackson Property 3801 7th Ave. South, Seattle WA

Dear Mr. Lilly:

This is to request a No Further Action (NFA) letter from DOE for the remaining portion of the Jackson property. As you know, the Equipose Corporation requested an NFA letter for the entire Jackson property on November 12, 1999. Subsequently, that request was amended to include only that portion of the property being sold to Jan Siers under that Modification of VCP Request for Jackson Property dated May 26, 1999, by the Equipose Corporation. This request will now complete the process of review for this property. As you may also know, this property is under a pending contract of sale. Mr. Jackson's business is defunct. The current tenant on the property, Coastal Tank Cleaning is in the process of relocating.

Per our conversation today, I am enclosing:

1. Voluntary Cleanup Program Review Form.
2. Voluntary Cleanup Program Site Summary (ECY 020-73), including site maps
3. Check for \$500.

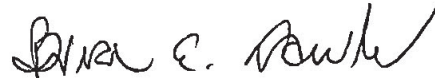
Mr. John Lilly
October 22, 1999
Page 2

4. Copy of recorded Restrictive Covenant for your review.

The prior reports of Equipose Corporation are on file. Please let us know what other information you need.

Very truly yours,

LAWLER & BURROUGHS, P.C.



Brian E. Lawler

BEL/jmf

Enclosures

c: J. Jackson
D. Williams, Chiles & Co.

B) Person/Organization making request for Assistance/Review:

Name: Brian E. Lawler
 Firm: Lawler & Burroughs PC
 Street Address: 4750 Wells Fargo Center, 999 Third Ave.
 City: Seattle State: WA Zip: 98104
 Telephone Number: (206) 682.0191
 Fax Number: (206) 682.3584 E-Mail Address LawlerAsc@aol.com

Which best describes your involvement with the site? (Check as many as apply.)

Current Owner Former Owner Potential Purchaser
 Current Operator Former Operator Other (specify)
 Environmental Consultant for current owner
 Attorney for Owner
 Insurance Carrier for _____
 Other (specify) for _____

C) Release Information:

Date of Release(if known): Unknown. Date of Discovery: 1990-1991.
Drinking Water: Number of Drinking Water Supply Wells within 1/2 mile: 0
 Are there any drinking water systems affected? yes no
 If yes, has alternate drinking water been provided? yes no
 If Drinking Water systems are affected, are the systems public, private, or both? _____

Aquatics: Are there any creeks, streams, ponds, wetlands, or shorelands...
 on or adjacent to the site? yes no
 Within 1000 feet of the site? yes no
 Where are they located? _____
 Are they impacted by contamination from the site? yes no

General Hazardous Substance Categories: Please complete the chart below. List the contaminants known or suspected at the site prior to cleanup, and mark the appropriate medium (i.e. soil) with: **C** (confirmed and above MTCA); **B** (confirmed but below MTCA); **S** (suspected); **N/A** (not-applicable); **O** (tested & not present); or **U** (unknown).

Contaminant	Class (for Office Use)	Affected Media:					Date of Release (if known)
		Soil Water	Ground-Surface Water	Air	Sediment		
<i>Example:</i> Lead	confirmed in soil.	C	O	S	U	S	1967-82 date unknown
1) petroleum	confirmed in soil.						
2) _____	_____						
3) _____	_____						
4) _____	_____						
5) _____	_____						
6) _____	_____						

D) Report Information of Assessment or Remediation Work Done to Date

Assessment:

Has site assessment work been done at this site? Yes No In-progress

If Yes, when? 1998-1999 Were results reported to Ecology? Yes No Date 1/98

Desc be: (list reports in "E" below) Equipose Corporation prepared a report "Preliminary Subsurface Investigation at 3801 7th Ave South, which has been filed with Ecology. Equipose subsequently conducted a remediation on an adjoining parcel and presented the results in a report dated November 12, 1998.

Remediation:

Has any site cleanup work been done at the site? Yes No In-progress

If yes, please continue to answer the remaining questions in this section to the best of your ability.

When was the cleanup work done? (A) Three (3) tanks removed and soil excavated in approx. 1990. (B) Also, soil was excavated in 1998 on adjoining parcel owned by same owner.

Were results reported to Ecology? Yes No Date (A) June 1990; (B) November 1998

Describe: (list reports in "E" below) See answer above.

Does contamination remain on-site after cleanup activities? Yes Under building, subject to Restrictive Covenant recorded per DOE. Copy attached.

If yes, describe: (list reports in "E" below) There is some TPH contamination underneath the existing building as a result of the former UST area in front of the building. The contamination was not removed due to concerns about the stability of the building. The contamination does not present a threat to human health or the environment. A DOE Restrictive Covenant has been recorded. Copy attached.

For each contaminant listed in **Part C) Release Information (above)**, please describe the quantity of the contaminant (in pounds) which was removed or treated as a result of the cleanup activities:

Contaminant	Class (for Office Use)	Pounds of Contaminant:				
		Incinerated	Washed	Removed	Treated	Contained
<i>Example</i> lead		10	20	40	10	60
1)IPH in soil				8 tons removed to		
landfill						
2)						

As a result of the cleanup:

How many acres of land were returned to **unrestricted** use? All

How many acres of land were returned to **restricted** use? N/A

How many cubic feet of contaminated soil was remediated or contained? 8 tons.

How many gallons of contaminated groundwater was remediated or contained? 0

How many people are now at reduced risk as a result of the cleanup action? 0

How many pounds of potential pollution was prevented as a result of the cleanup action? N/A

METHODS/TREATMENTS USED	SOIL	GROUNDWATER	SURFACE WATER	DRINK WATER
Method A				
Method B				
Method C				
Have these levels been met throughout the site? Y or N				
<u>Destruction or Detoxification</u>				
Carbon Adsorption ¹				
Biological Treatment				
Chemical Destruction				
Incineration				
¹ Carbon followed by regeneration; use of granular activated carbon followed by landfilling would be classified as on-site and off-site landfill				
<u>Media Transfer</u>				
Air Stripping/Air Sparging				
Aeration/Vapor Extraction				
Thermal Desorption				
<u>Immobilization</u>				
Vitrification				
Solidification/Stabilization				
<u>Reuse/Recycling²</u>				
Specify				
² For example, reuse of free petroleum product recovered in a pump and treat system.				
<u>Separation/Volume Reduction</u>				
Solvent Extraction				
Soil Washing				
Physical Separation ³				
³ For example, oil/water separators.				
<u>Land Disposal/Containment</u>				
Containment or On-site Landfill				
Off-site Landfill	8 tons			
<u>Institutional Controls</u>				
Specify				
<u>Others</u>				
Specify Treatment Method				

E) Documentation: Please list titles of all site reports below. Include name of consulting firm & year completed.

Title: _____ By: _____ Date: _____

*Approval for Disposal of Contaminated Soils King County/Soils Waste Division June 21, 1990

*Waste Material Approved for Disposal at Cedar Hills King County October 15, 1999

*Preliminary Subsurface Investigation At 3801 7th Ave, South Equipose Corporation (Job No. 112-001-01). January 15, 1998.

*Request For VCP Review of Completed Site Investigation & Remediation, 3801 7th Ave. South, Seattle, WA. Equipose Corporation. November 12, 1998.

Is additional information concerning the contaminants treated or removed, or cleanup or remediation methods used available in a database? Yes ___ No X If yes, what programming software is used? NA Is a copy included for our use? Yes ___ No ___

F) Property Type: Commercial ___ Industrial x Residential ___ Other ___

Property currently being used? x Yes ___ No

Plans for change in use? ___ Yes x No If yes, please specify: _____

G) Standard Industrial Classification (SIC) Codes: 1799

H) Dangerous Waste Facilities:

Does the facility have a dangerous waste identification number? No X Yes ___

If Yes, What is the number?

I) Tank Information:

Complete this table for ALL tanks, whether underground (UST) or aboveground (AST), including unregulated tanks. (* Unleaded, leaded, diesel, bunker-C, waste oil, heating oil, aviation fuel, other (identify)) (**Tank status: Left in Place, Removed, Closed in Place)

Tank ID	AST/UST	Size	*Product	Was free product encountered?	**Tank status
_____	AST	500g	Heating Oil	NA	In use

J) Owner/Operator History

(Please photocopy and attach copies if additional owners and/or operators are known)

Type (code) of Owner/Operator (for below):

Private(1) Municipal(2) County (3) Federal (4) State(5) Tribal(6) Mixed(7) Other (8) Unknown (9) Public Entity Acquisition via Bankruptcy (10) Financial Institution Acquisition via Bankruptcy (11)

1) Current Site Owner: **Jack and Janet Jackson.** Type: (1)

Street Address: PO Box 10061

City: Bainbridge Island

State: WA Zip: 98110

Page 5, ECY 020-73(Rev. 10/97),

SITSUM.DOC

Contact Person (if different than owner, above): Brian Lawler, Lawler & Burroughs, P.C.
Street Address: 4750 Wells Fargo Center, 999 Third Avenue
City: Seattle State: WA Zip: 98104
Telephone Number: (206) 682-0191 Extension: _____
Fax Number: (206) 682-3584 E-Mail Address: LawlerAsc@aol.com
Dates of Ownership: June 1999 to Present

2) Current Facility Operator: NA. Property is under contract of sale. Current tenant is moving out as of October 30, 1999. Type: 1
Dates of Operation: 1991 to Present (with some interruptions). See below @ Section 4.

3) Former Site Owner: Patricia J. and Lester R. Pollart Type: 1
Street Address: 6758 Wing Point Road NE
City: Bainbridge Island State: WA Zip: 98110
Contact Person (if different than owner, above): _____
Street Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: () _____ Extension: _____
Fax Number: () _____ E-Mail Address: _____
Dates of Ownership: 1972(?) to 1/31/91

4) Former Facility Operator: Coastal Tank Cleaning Type: 1
Street Address: 3801 7th Ave S.
City: Seattle State: WA Zip: 98108
Contact Person (if different than operator, above): Tom Smith
Street Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: (206) 624.9843 Extension: _____
Fax Number: () _____ E-Mail Address: _____
Dates of Operation: Intermittently 1/91 to 10/31/99.

K) Other Involved Parties:

(Please photocopy and attach copies if additional parties are involved)

2) Site Control Person if other than Owner/Operator. (This must be a person who is on-site during normal working hours and is authorized and qualified to answer questions about the site, or a person who is available during normal business hours and has knowledge about the site and the remediations)

Name: Tom Smith

Relation to site/owner/operator: Former tenant

Firm: Coastal Tank Cleaning

Street Address: See above

City: _____ State: _____ Zip: _____

Telephone Number: () _____ Extension: _____

Fax Number: () _____

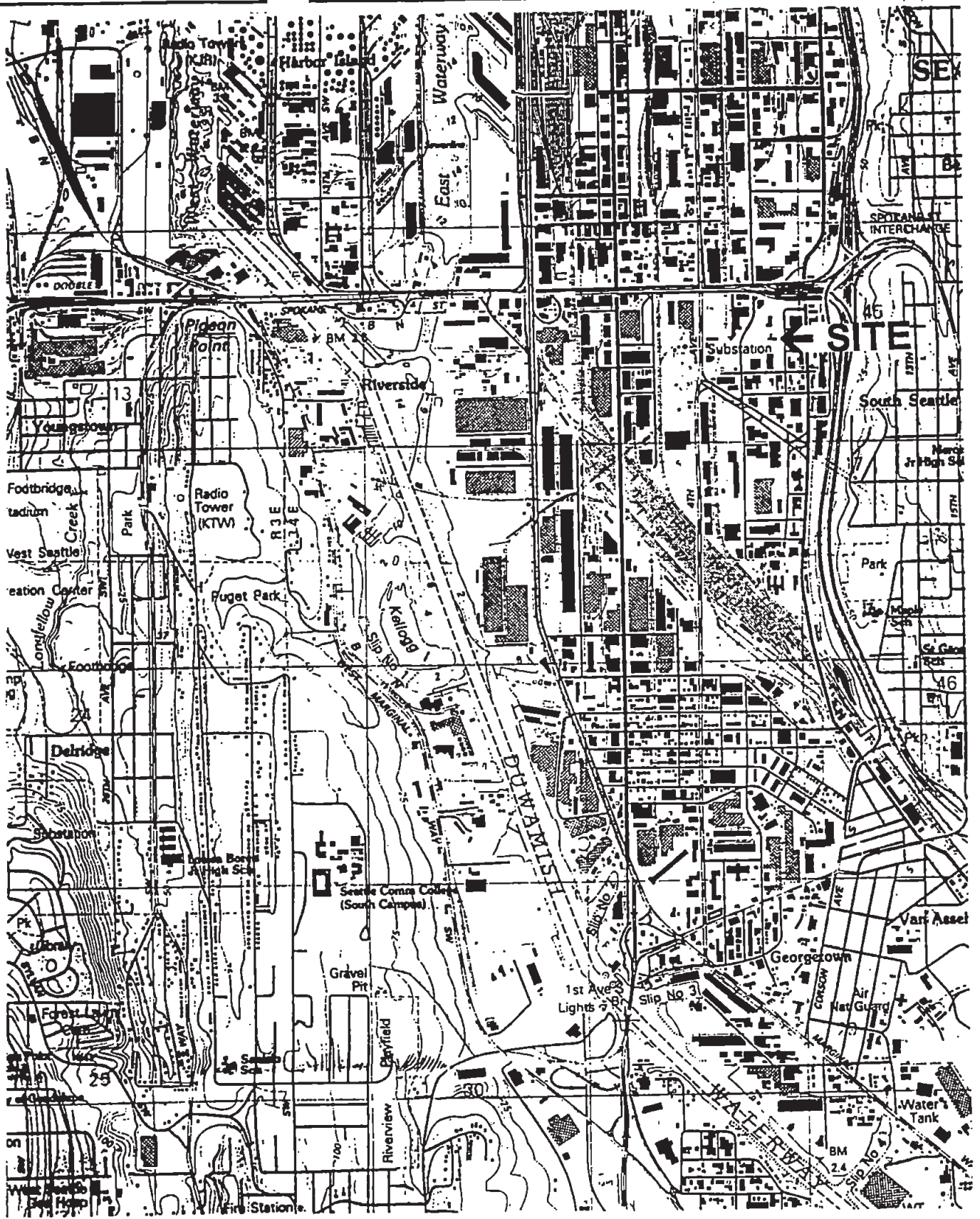
Dates of Involvement with site: See above.

3)Name: _____
Relation to site/owner/operator: _____
Firm: _____
Street Address: _____
City: _____ State: _____ Zip: _____

Telephone Number: (____) _____ Extension: _____
Fax Number: (____) _____
Dates of Involvement with site: _____ to _____

4)Name: _____
Relation to site/owner/operator: _____
Firm: _____
Street Address: _____
City: _____ State: _____ Zip: _____

Telephone Number: (____) _____ Extension: _____
Fax Number: (____) _____
Dates of Involvement with site: _____ to _____



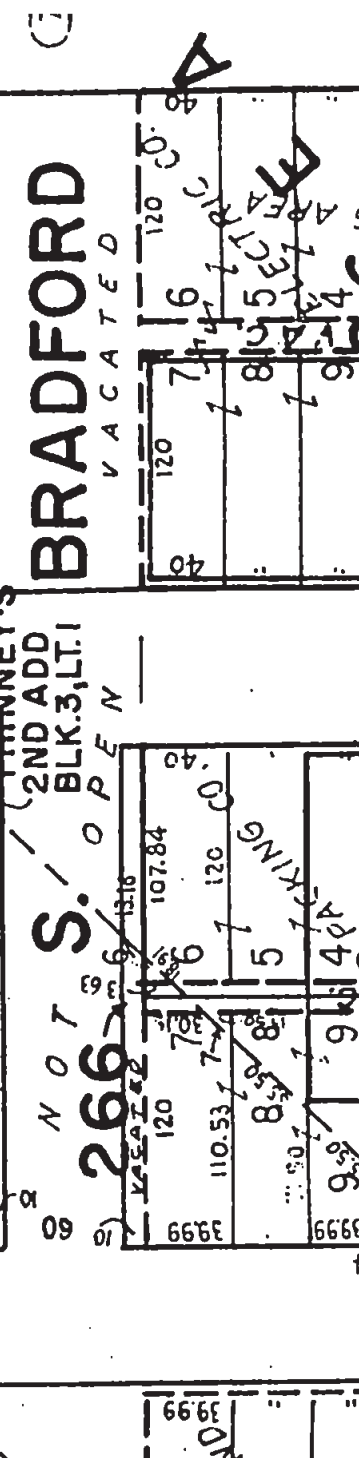
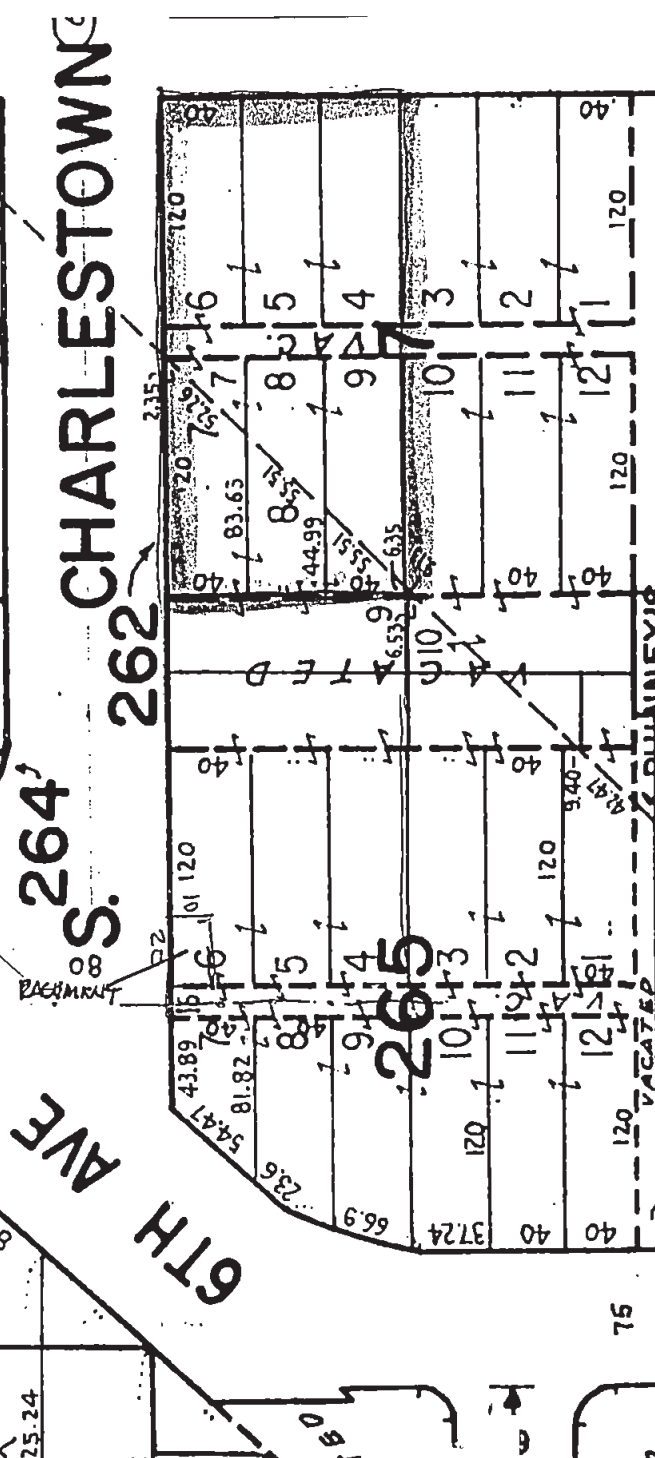
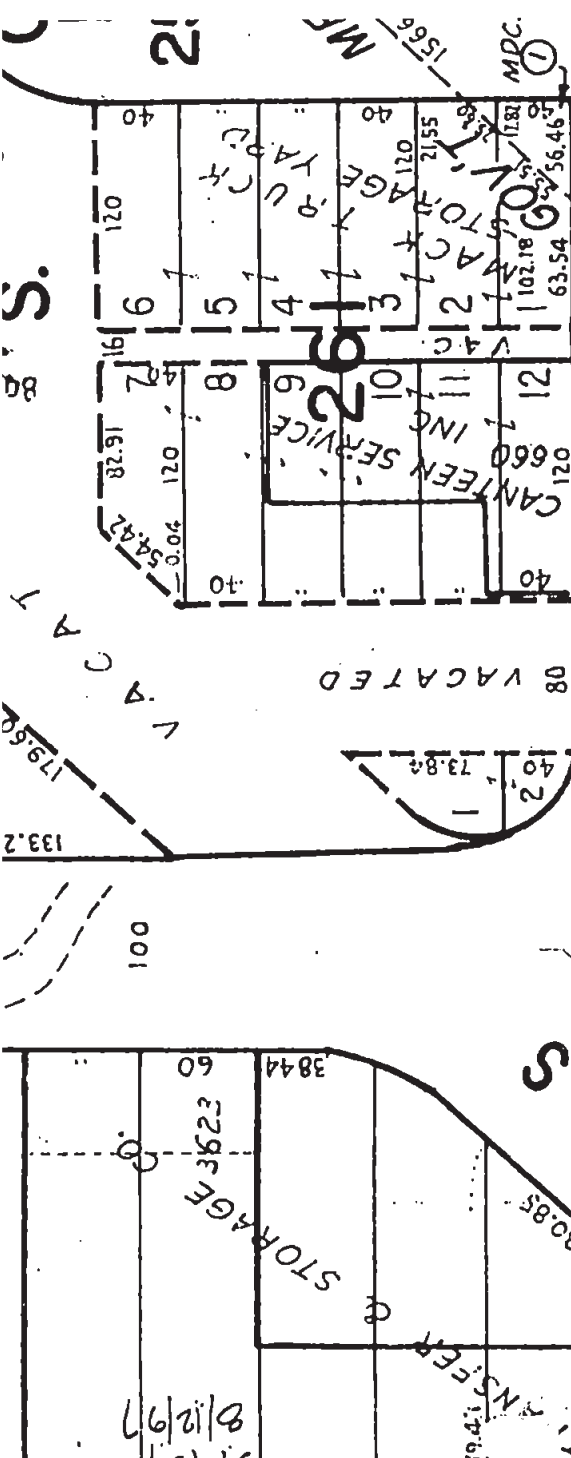
EQUIPOISE CORPORATION

12903 SE 45th Lane Suite 100
 Bellevue, Washington 98006
 Phone : 425.643.4402
 Facsimile : 4253643.4402

FIGURE 1 - Location Map

Location : 3801 - 7th Avenue South
 Seattle, Washington

Date : 01/13/98 Job # : 112-001-01



CHARLESTOWN

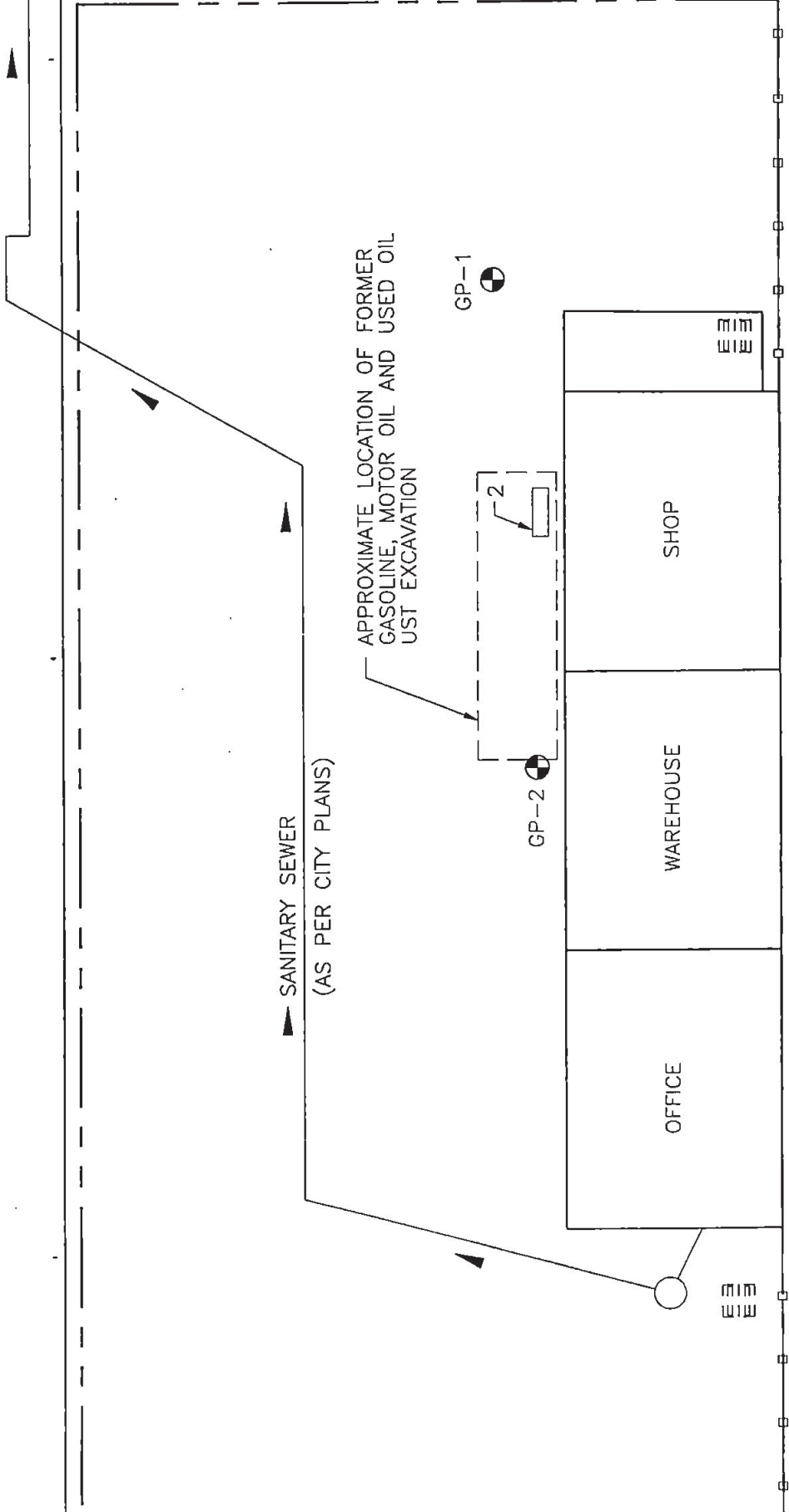
BRADFORD

S. 264
 S. 265
 S. 266

PHINNEY'S
 2ND ADD
 BLK. 3, LT. 1

NOT OPEN
 110.53
 107.84
 39.99
 39.99
 9.50
 8.50
 7.50
 6.50
 5.50
 4.50
 3.50
 2.50
 1.50
 0.50

SOUTH CHARLESTOWN STREET



NOT TO SCALE

**COPY OF
RECORDED DOCUMENT**
King County Recorder's Office

When Recorded Return To:

Brian E. Lawler, Esq.
LAWLER & BURROUGHS, P.C.
999 Third Ave, Suite 4750
Seattle, WA 98104

RESTRICTIVE COVENANT RE: REMEDIAL ACTION

GRANTOR: Jackson, Jack A. and Jackson, Janet C., husband and wife

GRANTEE: The Public

LEGAL DESCRIP. (Abbrev.) Lts. 4-9, Blk. 7, South Seattle Add. Vol 1/35; Lts. 7-9, Blk.
262, Seattle Tidelands. Complete legal on Attachment A.

TAX PARCEL NOS. 788610-0290-01

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Jack Jackson, his successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

1. Phase I Environmental Site Assessment, 3801 - 7th Avenue South, AdaPT Engineering, inc., October 16, 1997;
2. Preliminary Subsurface Investigation at 3801 - 7th Avenue South, Seattle, WA, Equipoise Corporation, January 15, 1998;
3. Request for Voluntary Cleanup program review of Completed Site Investigation and Remediation, 3801 - 7th Avenue South, Seattle, WA. Equipoise Corporation, November 12, 1998.

These documents are on file at Ecology's Northwest Regional Office.

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of Petroleum Hydrocarbons which exceed the Model Toxics Control Act Method A Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Jack Jackson and Janet Jackson (hereinafter "the Jacksons"), are the fee owners of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described in Attachment A of this Restrictive Covenant and made a part hereof by reference.

The Jacksons make the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the north central portion of the shop section of the warehouse building. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or creates a new exposure pathway without prior written approval from Ecology. Repairs and alterations which do not involve excavation in the vicinity of the contaminated soil are expressly permitted and do not require Ecology approval.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that remains on the Property as part of the Remedial Action, or creates a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the Property must give thirty- (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

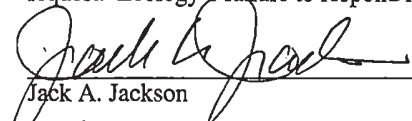
Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property. Providing a copy of this Restrictive Covenant constitutes compliance with this condition.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit the use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

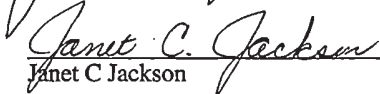
Section 9. Ecology shall reasonably cooperate with owner in responding to modification or requests for approval. For purposes of this agreement, Ecology shall approve, disapprove, or approve with conditions, any such request within thirty (30) days of the date of the request. Ecology's failure to respond may be deemed approval.



Jack A. Jackson

1 Sept 29

Date



Janet C. Jackson

Sept. 1, 1999

Date

STATE OF WASHINGTON)
)
COUNTY OF KING) SS.

On this day personally appeared before me **Jack Jackson and Janet Jackson**, to me known to be the Property Owners that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed, for the uses and purposes mentioned, and on oath stated that they were duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 1st day of September, 1999.



Janice M. Fisher
Print: Janice M. Fisher
Notary Public in and for the State of Washington,
residing at Seattle, WA
My Commission Expires: 7-29-02



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 25, 1999

Jack Jackson C/O
Brian Lawler
Lawler & Burroughs, P.C.
4750 Wells Fargo Center
Seattle, Washington 98108

Dear Mr. Jackson

Re: Request for Review: Independent Remedial Action
Jackson Property, 3801 7th Avenue South Seattle

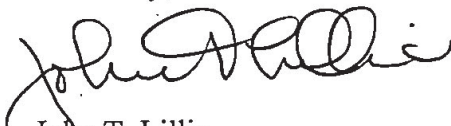
Thank you for submitting the independent remedial action report(s) for this site for Ecology's review. Ecology appreciates your initiative in pursuing a voluntary cleanup under the Model Toxics Control Act.

This is to acknowledge receipt of your *Request* and your \$500 deposit. A copy of the *Request* form is enclosed. All correspondence relating to this project should include the site name and a reference to the TCP identification number printed on the bottom right-hand corner of this form. The TCP Identification number for this site is NW0356.

The Department of Ecology (Ecology) will publish a notice in the *Site Register* that we have received the report(s) and of your request for Ecology review of the independent remedial action. The *Site Register* is a bi-weekly publication regarding sites undergoing cleanup or remedial action throughout the state.

If you have any questions about this letter or the Voluntary Cleanup Program, please do not hesitate to call me at (425) 649-4446.

Sincerely,



John T. Lillie
Voluntary Cleanup Program

JTL: jtl
Enclosure





Voluntary Cleanup Program

Washington State - Department of Ecology - Toxics Cleanup Program

Request For Assistance/ Review Form

Have you discussed this site with an Ecology representative in the past? YES

If yes, what is that person's Name? JOHN LILLIE

And the approximate date? NOVEMBER 1998 AND JUNE 1999

Is this a leaking underground storage tank site? (includes piping leaks) NO

Please submit the following with this signed form to the appropriate Ecology office (see back of form)

X Site Summary (ECY 020-73)	<input type="checkbox"/>	Any other existing reports on this site
X A Check or Money Order for \$500 made out to "Department of Ecology"		
<i>Applicant completes this section: (Note: The applicant is responsible for all billings)</i>		
Applicant Name: JACK AND JANET JACKSON		Phone: 206.682.0191
Applicant Address: C/O BRIAN LAWLER, LAWLER & BURROUGHS, P.C., 4750 WELLS FARGO CENTER		
City: SEATTLE	State: WA	Zip: 98104
Site Name: JACKSON PROPERTY		Alternate Name:
Site Address: 3801 7TH AVE SOUTH		
City: SEATTLE	State: WA	Zip: 98108 County: KING
Site Owner Name: JACK AND JANET JACKSON		
Site Owner Address: SEE ABOVE		Phone:
City:	State:	Zip:

I, JACK JACKSON request the assistance of the Department of Ecology. With this Application I have enclosed \$500. I understand that: this payment is the equivalent of approximately eight (8) hours of staff review and/or assistance on the cleanup of my contaminated site; actual charges will depend on specific staff and charge-out rates of that staff; if total charges are greater than \$500, I will be billed for and I agree to pay the remainder; and any excess payments will be refunded to me.

Brian E. Lawler (Jack Jackson Atty) 10.22.99
 Signature of Applicant Date

Note: The applicant is responsible for all billings.

<i>For Office Use only:</i>			
Date:	Hours:	Rate:	Staff Name:
Date:	Hours:	Rate:	Staff Name:
Date:	Hours:	Rate:	Staff Name:
Date:	Hours:	Rate:	Staff Name:
<i>For Office Use only: Receipts</i>		<i>For FISCAL USE ONLY</i>	
Amount	Date Pd	Rec. #	
500 ⁰⁰	10/25/99	—	173-02-94-005000-5000- 30 - 40
			(LUST/Non-LUST) (Office)
LUST/Non-LUST:		LUST - 30	Non-LUST - 20
OFFICE:		NWRO - 40	SWRO - 50 ERO - 60
		CRO - 70	IND - 80 HDQR - 90



September 30, 1999

State of Washington Department of Ecology
3190-160th Avenue S.E.
Bellevue, Washington 98008
Attn: Joe Hickey-Voluntary Cleanup Program

Re: Restrictive Covenant requirement for notification-property owned by Jack Jackson
@ 3801-7th Ave. S., Seattle.

Dear Mr. Hickey,

This letter is to give notice to the Dept. of Ecology, as per the recorded Restrictive Covenant, on the above referenced property. Mr. Jackson intends to sell this property to Mike Karson, Linda & Thomas Brownell by the end of October 1999.

Although Mr. Jackson and his wife have owned the property since 1990, a couple of tenants have occupied the site, Coastal Tank Cleaning, Eagle Harbor Construction, etc.

Mr. Jackson intends to complete the requirements for a "No further Action Needed" letter, for this portion of his property, similar to the NFA letter Mr. Jackson received on the western portion of this site, dated June 29, 1999 (copy attached).

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Douglas Williams", written over a horizontal line.

B. Douglas Williams
Real Estate Agent representing Jack & Janet Jackson
(206) 216-4192