



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

October 30, 2017

**Electronic Copy**

Jonathan Cheng  
Stadium Retail LLC  
402 W Broadway, Suite 780  
San Diego, CA 92101

**Re: Acceptance of VCP Application for the following Contaminated Site:**

- **Site Name:** Bruce Titus Chevrolet
- **Site Address:** 633 Division Ave Tacoma, 98403-3126 Pierce
- **Cleanup Site ID:** 5318
- **Facility/Site ID:** 3427832
- **VCP Project ID:** SW1616

Dear Mr. Cheng:

The Department of Ecology (Ecology) has accepted your Voluntary Cleanup Program (VCP) application for the Bruce Titus Chevrolet 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 VCP Cleanup Project (Project) and the Site.

**Agreement**

Ecology has completed and signed the VCP Agreement governing the Project on **October 25, 2017**. This is the effective date of the Agreement. **Enclosure A** includes a copy of the Agreement. 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**

Please direct communications between Ecology and Stadium Retail LLC through the designated managers to the maximum extent possible.

- **Ecology**

We have designated the following site manager to respond to your requests:

**Nicholas M. Acklam**  
Department of Ecology  
Toxic Cleanup Program,  
Southwest Regional Office  
300 Desmond Drive SE  
Lacey, WA 98504  
Phone: 360-407-6347  
E-mail: [Nicholas.Acklam@ecy.wa.gov](mailto:Nicholas.Acklam@ecy.wa.gov)

- **Stadium Retail LLC**

The application designated you, Jonathan Cheng as the project manager for Stadium Retail LLC. 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 can download the Form from our VCP web site:  
[www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm).

## **Requests for Written Opinions**

As the cleanup of the Site progresses, you may request written opinions on your planned or completed remedial actions by submitting to Ecology the following:

- Requests for Opinion Form, which you can download from our VCP web site:  
[www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm).
- Plans or reports documenting the remedial action.

## **Reporting Requirements**

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

Mr. Jonathan Cheng  
October 30, 2017  
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- **Licensing.** You must submit documents containing geologic, hydrologic, or engineering work under the seal of an appropriately licensed professional, as required by Chapters 18.43 and 18.220 RCW.
- **Data Submittal.** You must submit environmental sampling data in both a printed form and an electronic form capable of being transferred into our Environmental Information Management (EIM) system. For an overview of data submittal requirements, please refer to **Enclosure B**, which includes a copy of Toxics Cleanup Program Policy 840. 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](http://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 the billing contact designated in the Application Form. If someone replaces the billing contact or their contact information changes, please submit a Change of Contact Form. You can find the Form 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.

### **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 or the Waitlist, please contact Nicholas Acklam at 360-407-6347.

Sincerely,



Nicholas Acklam  
VCP Unit Manager  
Toxics Cleanup Program, Southwest Regional Office

NA: kb

Mr. Jonathan Cheng  
October 30, 2017  
Page 4

Enclosures (2): A – Copy of VCP Agreement  
B – Toxics Cleanup Program Policy 840: Data Submittal Requirements

By certified mail: [91 7199 9991 7037 0277 7934]

cc: Jeffrey Borum, TOR Environmental, Inc.  
Stephanie Bussell, Ecology

**Enclosure A**  
**VCP Agreement**

# 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 Stadium Retail 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:  
633 Division Street and 100 North G Street, Tacoma, WA 98403

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>Bruce Titus Chevrolet</u>	<b>RECEIVED</b> OCT 26 2011
	Facility / Site No.: <u>3427832</u>	
	VCP Project No.: <u>SW1614</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

REBECCA LAWSON

Printed Name


Section Manager, SWRD

Toxics Cleanup Program Section

Date: 10/25/17

Stadium Retail LLC

Name of Customer



Signature

Jonathan Cheng

Printed Name of Signatory

Manager

Title of Signatory

Date: October 13, 2017

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.

LUST 3444

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OCT 20 2017

# Voluntary Cleanup Program



WA State Department of Ecology (SWRO)

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: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm).

### 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: Stadium Retail LLC

What type of entity is the Customer?

Person

*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.*

Organization

*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.*

What is the Customer's involvement at the Site? Please check all that apply.

Property owner

Business owner (operator)

Past property owner

Mortgage holder

Future property owner

Consultant

Property lessee

Attorney

Other – please specify: \_\_\_\_\_

If not the current property owner, is the Customer acting as the agent for the property owner?

Yes  No

If not the current property owner, is the Customer authorized to grant access to the property?

Yes  No

TCP SWRO ID#: SW1616



**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: Jonathan Cheng		Title: Manager	
Mailing address: 402 W Broadway, Suite 780			
City: San Diego		State: CA	Zip: 92101
Phone: 619-696-8600	Fax: 619-308-6600	E-mail: jcheng@tourmalinecapital.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: Jonathan Cheng		Title: Manager	
Mailing address: 402 W Broadway, Suite 780			
City: San Diego		State: CA	Zip: 92101
Phone: 619-696-8600	Fax: 619-308-6600	E-mail: jcheng@tourmalinecapital.com	

**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: Jeffrey Borum		Title: Principal Geologist	
Organization: TOR Environmental, Inc.			
Mailing address: P.O. Box 73626			
City: San Clemente		State: CA	Zip: 92673
Phone: 949-370-2046	Fax: 949-534-8500	E-mail: jborum@torenvironmental.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?

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**Please attach to this Application any additional remedial action plans or reports you want Ecology to review.**

**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.**

Prior owner had enrolled property (Facility Site ID: 3427832) in VCP (SW1040). Current owner now seeks to enroll in VCP to complete project.

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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: [www.ecy.wa.gov/programs/tcp/data\\_submittal/Data\\_Requirements.htm](http://www.ecy.wa.gov/programs/tcp/data_submittal/Data_Requirements.htm).

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: Bruce Titus Chevrolet

Alternate Name: Walker Chevrolet, Friendly Chevrolet

### 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: 633 Division Street and 100 North G Street

City: Tacoma

State: WA

Zip: 98403

**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: 15	Seconds: 49 North
	LONGITUDE :	Degrees: 122	Minutes: 26	Seconds: 56 West
LOCATION ON PROPERTY: [e.g., point of release or center of parcel]		Center of Parcel 2030-12-0032		
COLLECTION METHOD: [e.g., GPS or address matching]		Google Earth		
COLLECTION SOURCE: [i.e., map scale]		Google Earth		
HORIZONTAL DATUM: [i.e., base reference for coordinate system]		Google Earth, not specified		
ACCURACY LEVEL: [i.e., +/- feet or meters]		+/- 100 feet		

### Legal Descriptions.

TRS DATA:	Township: 21N	Range: 03E	Section: 32	Quarter-Quarter: SW 1/4 of NE 1/4
TAX PARCEL #(s):	2031-13-0025 and 2030-12-0032			

**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:
	Tax Parcel(s):
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.

Please refer to "Remedial Investigation and Feasibility Study" dated July 25, 2016 by Aspect Consulting and Department of Ecology Opinion Letter dated April 11, 2017.

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**

**F. Description of Release(s) at the Site.**

**Source of Release(s).**

**Circumstances of Release(s).** To the extent known, please describe below the circumstances of the release(s).

Please refer to "Remedial Investigation and Feasibility Study" dated July 25, 2016 by Aspect Consulting and Department of Ecology Opinion Letter dated April 11, 2017.

Attach additional pages if necessary.

**Circumstances of Release Discovery.** To the extent known, please describe below the circumstances of the discovery of the release(s).

Please refer to "Remedial Investigation and Feasibility Study" dated July 25, 2016 by Aspect Consulting and Department of Ecology Opinion Letter dated April 11, 2017.

Attach additional pages if necessary.

**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: [www.ecy.wa.gov/programs/tcp/area\\_wide/area\\_wide\\_hp.html](http://www.ecy.wa.gov/programs/tcp/area_wide/area_wide_hp.html). For information about the Tacoma Smelter Plume (TSP) and the associated Management Plan, please refer to the following web site: [www.ecy.wa.gov/programs/tcp/sites/tacoma\\_smelter/ts\\_hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/tacoma_smelter/ts_hp.htm).

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

**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
Total petroleum hydrocarbons	C				
Lead	C				
Tetrachloroethylene (PCE)	C				
Polychlorinated biphenyls (PCBs)	C				
BTEX	C				

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:

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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).

Please refer to "Remedial Investigation and Feasibility Study" dated July 25, 2016 by Aspect Consulting and Department of Ecology Opinion Letter dated April 11, 2017.

### 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: Jonathan Cheng		Title: Manager
Organization: Stadium Retail LLC		
Mailing address: 402 W Broadway, Suite 780		
City: San Diego	State: CA	Zip code: 92101
Phone: 619-696-8600		

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

Name: See below.		Title:
Organization:		
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 type="checkbox"/> Residential             | <input type="checkbox"/> School             |
| <input checked="" 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
445110	Thriftway Supermarket
722515	Starbucks (coffee shop)
722513	Jimmy Johns (fast food sandwiches)
722511	Rhinehaus Restaurant (full service restaurant)
812112	Sport Clips (hair salon)
453910	Mud Bay Pet Supplies
812930	Parking Lots and Garages



**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:

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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:

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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
See RI/FS by Aspect Consulting dated July 25, 2016									

(\*) 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: See RI/FS by Aspect Consulting dated 7/25/16      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: See RI/FS by Aspect Consulting dated 7/25/16      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
See RI/FS by Aspect Consulting dated July 25, 2016	

**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:

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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 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: |   |

Please also specify the activities proposed for that land use:

Continued retail shopping center use.

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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? VCP SW1040     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: VCP SW1040  
 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.

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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)			X	
INTERIM ACTION			X	
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	DATE
				Y/N?	
1.	See RI/FS by Aspect Consultanting dated July 25, 2016				
2.					
3.					
4.					
5.					
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: Jonathan Cheng		Title: Manager
Signature: 		Date: 10/10/2017
Organization: Stadium Retail LLC		
Mailing address: 402 W Broadway, Suite 780		
City: San Diego		State: CA
		Zip code: 92101
Phone: 619-696-8600	Fax: 619-308-6600	E-mail: jcheng@tourmalinecapital.com

### B. Affiliation.

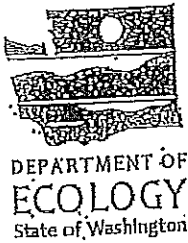
What is the signatory's involvement at the Site? Please check all that apply.

- Customer
- Property Owner
- Consultant
- Attorney
- Other – please specify: \_\_\_\_\_

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.

## **Enclosure B**

### **Toxics Cleanup Program Policy 840 Data Submittal Requirements**



## Toxics Cleanup Program

### Policy 840: Data Submittal Requirements

*Established:* August 1, 2005

*Revised:* April 12, 2016

*Contact:* Policy & Technical Support Unit, Headquarters

*Purpose:* This Policy provides guidance on the submission of environmental monitoring data generated or collected during the investigation or cleanup of contaminated sites under the Model Toxics Control Act.

*References:* WAC 173-340-840 (5)  
Chapter 173-204 WAC  
Environmental Information Management System Database  
Sediment Cleanup Users Manual II

*Attachments:* A - Model Grant and Permit Condition

*Disclaimer:* This Policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this Policy depending on site-specific circumstances, or modify or withdraw this Policy at any time.

*Approved by:*

James J. Pendowski, Program Manager  
Toxics Cleanup Program

**Accommodation Requests:** To request ADA accommodation, including materials in a format for the visually impaired, call Ecology's Toxics Cleanup Program at 360-407-7170. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

*Revised: April 12, 2016*



### Purpose and Applicability

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The investigation and cleanup of contaminated sites generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions. The data also need to be accessible by Ecology staff, site owners, consultants, and the general public.

This Policy describes the requirements for submitting environmental monitoring data generated or collected during the investigation and cleanup of contaminated sites under Chapter 70.105D RCW, Model Toxics Control Act (MTCA).

This Policy applies to Ecology staff and any person who investigates or cleans up contaminated sites and submits related environmental sampling data to Ecology, including potentially liable persons, Voluntary Cleanup Program (VCP) customers, prospective purchasers, government agencies, and Ecology contractors.

1. Unless otherwise specified by Ecology, all environmental monitoring data generated during contaminated site investigations and cleanups are required to be submitted to Ecology in both written format and electronically through EIM.
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Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (Chapter 173-340 WAC) and the Sediment Management Standards (Chapter 173-204 WAC).

The Environmental Information Management System (EIM) is a searchable database that contains data collected by Ecology (or by environmental contractors on behalf of Ecology), and by Ecology grant recipients, local governments, the regulated community, and volunteers.

Under this Policy, data are considered to be "environmental monitoring data" if generated or collected during:

- a. Site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding; or
- b. An independent remedial action.

Under this Policy, data are not considered to be environmental monitoring data if generated or collected for the following studies. This means that entering data into EIM, while encouraged, is optional for:

- a. Non site-specific studies;
- b. Site hazard assessments that result in no further action; and
- c. All initial site investigations.

2. Orders, agreed orders, consent decrees, or permits must include a condition that site-specific environmental sampling data be submitted in compliance with this Policy.
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For those reports prepared and submitted for review under an order, agreed order, consent decree, or permit, the environmental sampling data must be entered into EIM at the time of report submittal. If reports for such work do not include documentation that data was submitted in compliance with this Policy, the reports shall be deemed incomplete and a notice will be provided to the submitter.

Generally, Ecology should not review such reports until that documentation is provided. The assistant attorney general assigned to the site should be consulted for an appropriate response when Ecology's review is delayed due to failure of data entry into EIM.

3. Site-specific environmental sampling data must be entered into EIM before Ecology will review independent remedial action reports under the Voluntary Cleanup Program.
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For independent remedial action reports prepared and submitted under Ecology's Voluntary Cleanup Program (VCP), environmental sampling data must be entered into EIM at the time any report is submitted requesting an opinion on the sufficiency of the action under the VCP.

However, Ecology may establish an alternate deadline for entering data into EIM if this Policy creates undue hardship on the VCP customer and Ecology does not need the data in EIM to begin the review.<sup>1</sup> But in no case will Ecology issue a No Further Action (NFA) opinion letter under the VCP—either for the whole site or a property located within the site—until the data has been entered into EIM.

If sampling data has not been entered into EIM, Ecology may still review the report for the limited purpose of determining whether it contains sufficient information to provide an opinion. If the report is incomplete, Ecology may also respond to the VCP customer's request for an opinion by issuing an administrative letter rejecting the report and requesting additional information.

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<sup>1</sup> For example, when a site has multiple groundwater sampling events over time, it may be more efficient to enter the data into EIM at one time after monitoring is completed, rather than for each monitoring event. Another example would be where a VCP consultant is using EIM for the first time and needs additional time to learn how to use the system.

4. Grants, contracts, interagency agreements or memoranda of understanding issued after the effective date of this Policy must include a condition that site-specific data be submitted in compliance with this Policy.
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Reports on such work will not be accepted as complete until the data have been submitted in compliance with this Policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met. Attachment A contains example language to include in these documents.

5. Data generated during upland investigations and cleanups must be submitted electronically using Ecology's EIM.
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The Environmental Information Management System is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format.

Additional information about EIM, including instructions for data submittal, can be found on Ecology's EIM website at <http://www.ecy.wa.gov/eim/>. The Toxic Cleanup Program's (TCP) EIM Coordinator can also provide technical assistance to site managers and consultants who use EIM.

6. Data generated during sediment investigations and cleanups must be submitted electronically using Ecology's EIM.
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Effective March 1, 2008, EIM is Ecology's data management system for sediment-related data. Proper submission of data through EIM meets the requirement of submitting such data in an electronic format. Electronic data must be submitted to Ecology simultaneously with the accompanying report.

For additional information on sediment sampling and analysis plan requirements, see Ecology's *Sediment Cleanup Users Manual (SCUM II)* Publication No. 12-09-057, available at: <https://fortress.wa.gov/ecy/publications/summarypages/1209057.html>

The Sediment Data Coordinator in TCP's Aquatic Land Cleanup Unit (ALCU) can also provide technical assistance with EIM.

7. Data submitted electronically using EIM must be checked by the Toxics Cleanup Program's EIM Coordinator before the data will be officially loaded into EIM.
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Normally, TCP's EIM Coordinator will receive a notice that data have been submitted through EIM. Upon receipt of the notice, the EIM Coordinator should notify the Cleanup Project Manager. The EIM Coordinator then reviews the submittal for quality control and officially loads the data into the system.

*Attachment A*

*Model Grant and Permit Condition*

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## Model Grant and Permit Condition

The following condition is to be inserted in grants, loans, contracts, interagency agreements, and memoranda of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS, AND LOANS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future funding.)

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