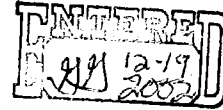




STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY



Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

December 18, 2002

DP Miller Construction LLC
Attn: Doug Miller
16622 Aurora Ave N
Shoreline, WA 98133

Dear Mr. Miller:

Re: Independent Remedial Action
Club Hollywood Casino, 16716 to 16740 Aurora Ave N, Seattle, WA 98133

Thank you for submitting the results of your independent remedial actions for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Club Hollywood Casino facility located at 16716 to 16740 Aurora Ave N, Seattle, WA:

1. *Underground Storage Tank Removal, 16716 Aurora Avenue North, Seattle, WA*, by Edge Analytical, Inc., dated November 1995.
2. *Subsurface Investigation Report, Car Fi Stereo*, by EMCON NW, Inc., dated December 1992.
3. *Phase I Environmental Site Assessment, Club Hollywood Casino, 16716-16740 Aurora Avenue North, Seattle, Washington*, by Zipper Zeman Associates, Inc., dated April 15, 2002.
4. *Limited Phase II Environmental Site Assessment, Club Hollywood Casino, 16716-16740 Aurora Avenue North, Seattle, Washington*, by Zipper Zeman Associates, Inc., dated April 15, 2002.
5. *Independent Remedial Action Report, Club Hollywood Casino, 16716-16740 Aurora Avenue North, Seattle, King County, Washington*, by Zipper Zeman Associates, Inc., dated June 25, 2002.
6. *Letter of Certification (UST Removal Report)*, by Filco Company, Inc., dated September 26, 2002.

The reports listed above will be kept in the Central Files of the Northwest Regional Office (NWRO) of Ecology for review by appointment only. Appointments can be made by calling Sally Perkins at the NWRO at (425) 649-7190 or -7239.

Based upon the information in the reports listed above, Ecology has determined that, at this time,

DP Miller Construction LLC

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the release of petroleum into the soil no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

Ecology's no further action determination is made only with respect to the release identified in the reports listed above. This no further action determination applies only to the area of the property affected by the release identified in the reports at 16716-16740 Aurora Ave N. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Old 99 Property Group LLC.

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

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

If you have any questions, please contact Neil Wood at (425) 649-7233.

Sincerely,



Neil J. Wood
Toxics Cleanup Program

NJW:njw

cc: Sean Donnan, Zipper Zeman Associates, Inc.