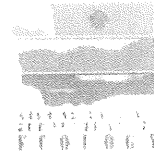


VCP AGREEMENT

- Facility/Site Name: _____
- Facility/Site No.: _____
- VCP Project No: _____ *For Office Administrative Use Only*



This document constitutes an Agreement between the State of Washington Department of Ecology (Ecology) and Mastro Properties (Client) to provide informal site-specific technical consultations under the Voluntary Cleanup Program (VCP) for the Site identified above and associated with the following address: 737 North 34th Street, Seattle, Washington Parcel No. 1973200389.

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 Client 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 Client 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 Client 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 Client

The Client agrees to pay all costs incurred by Ecology in providing the informal site-specific technical consultations requested by the Client consistent with WAC 173-340-515(6) and 173-340-515(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 Client 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 Client 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 Client 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 Client agrees to pay the collection agency fee incurred by Ecology in the course of debt collection.

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OCT 01 2008

DEPT. OF ECOLOGY
TCP-NWRO

WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

Voluntary Cleanup Program

Washington State Department of Ecology Toxics Cleanup Program

APPLICATION FORM

Under the Voluntary Cleanup Program (VCP), the Department of Ecology (Ecology) may provide informal site-specific technical consultations to persons conducting independent remedial actions at a hazardous waste site. Ecology may provide such consultations under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC.

To request technical consultations under the VCP, you must submit an application to Ecology. That application must include, at a minimum, the following documents:

- VCP Application Form (including required attachments); ← THIS DOCUMENT
- VCP Agreement.

For guidance on how to complete your VCP application, including this Application Form, please refer to the Application Instructions, which are available separately. All of these documents are available for downloading on the VCP web site: <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>.

Part 1 - ADMINISTRATION

Client Information. The "Client" is the person or entity seeking informal site-specific technical consultations from Ecology under the VCP. This person must sign the VCP Agreement and is responsible for payment of those costs incurred by Ecology in providing the requested consultative services. Please enter the required information below.

Name: **Mr. Mike Mastro** Title:

Organization: **Mastro Properties**

Mailing address: **510 Rainier Avenue South**

City: **Seattle** State: **WA** Zip: **98144**

Phone: **206-323-5393** Fax: E-mail:

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Property owner | <input type="checkbox"/> Business owner (operator) |
| <input type="checkbox"/> Past property owner | <input type="checkbox"/> Mortgage holder |
| <input type="checkbox"/> Future property owner | <input type="checkbox"/> Consultant |
| <input type="checkbox"/> Property lessee | <input type="checkbox"/> Attorney |
| <input type="checkbox"/> Other – please specify: _____ | |

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

Yes No

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

Yes No

Property Owner Information (if different than Client). If the Client is not the current property owner, please enter the required information below.

Name: **Mike Mastro** Title:

Organization: **Mastro Properties**

Mailing address: **510 Rainier Avenue South**

City: **Seattle** State: **WA** Zip: **98144**

Phone: **206-323-5393** Fax: E-mail:

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: _____ | |

Billing Contact Information (if different than Client). If the Client would like Ecology to mail billing statements to an address different than the Client's above, please enter the required information below. Please note that the Client will remain responsible for payment under the VCP Agreement.

Name: **Mike Mastro** Title:

Organization: **Mastro Properties**

Mailing address: **510 Rainier Avenue South**

City: **Seattle** State: **WA** Zip: **98144**

Phone: **206-323-5393** Fax: E-mail: **mkm@mrmastro.com**

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: _____ | |

Services Requested by Client.

What type of independent remedial action plan or report are you submitting to Ecology with your application for review under the VCP? Please check all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Interim action plan | <input type="checkbox"/> Remedial investigation plan |
| <input type="checkbox"/> Interim action report | <input type="checkbox"/> Remedial investigation report |
| <input type="checkbox"/> Cleanup action plan | <input type="checkbox"/> Feasibility study report |
| <input type="checkbox"/> Cleanup action plan | <input checked="" type="checkbox"/> Other – please specify: Clean up action report |

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 actions at the site meet the substantive requirements of MTCA, and/or
- Whether further remedial action is necessary at the site under MTCA to characterize and address all of the contamination at the site.

Instructions for Data Submittal.

In accordance with WAC 173-340-840(5), when submitting any sampling data to Ecology, please submit the data in both a printed form and an electronic form capable of being transferred into Ecology's data management systems. The data must be submitted consistent with the procedures specified in Ecology's Toxic Cleanup Program Policy 840 (Data Submittal Requirements). Please note that any report submitted to Ecology for review under the VCP that does not comply with these data submittal requirements will be considered incomplete by Ecology.

Part 2 - DESCRIPTION OF THE SITE

Name of the Site. Please enter the name of the Site below.

Name: Lakeview Building

Alternate Name Lot C City of Seattle Lot Boundary Adjustment MUP Application No. 9700157 Recorded Under No. 9706050452

Location of the Site.**Reference Point.**

Do you know which property is the source of the release(s) of hazardous substances at the Site (i.e., source property)?

Yes

If you answered "YES," then please refer to the "source property" when answering the following questions regarding the location of the Site, even if your independent remedial action does not address that property.

No

If you answered "NO," then please refer to the "affected property" addressed by your independent remedial action when answering the following questions regarding the location of the Site. An affected property is a property affected by the release(s) on the source property.

Physical Address. Please enter the physical address of the property below.

Name: 737 North 34th Street

City: Seattle

State: WA

Zip: 98103

Geographic Position – Latitude (Lat) and Longitude (Long). For additional guidance on how to complete this part of the application form, please refer to the application instructions.

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: 25N	Range: 4E	Section: 18	Quarter-Quarter: SW-SW
TAX PARCEL #(s):	19732000389			

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

Properties Affected by the Site.

Do any of the releases on the source property affect any properties adjacent to the source property (affected properties)?

- Yes No Unknown

If you answered "YES" above, then please identify each property that you know has been affected by the release(s) on the source property. If you need to identify additional properties, please attach additional pages.

1.	Address:
	Tax Parcel(s):
2.	Address:
	Tax Parcel(s):
3.	Address:
	Tax Parcel(s):
4.	Address:
	Tax Parcel(s):

Do any of the releases affect any right-of-ways (e.g., streets) located on or adjacent to the source property?

- Yes No Unknown

If you answered "YES" above, please specify:

Is the source property affected by any release(s) on properties adjacent to the source property?

- Yes No Unknown

If you answered "YES" above, please specify:

Description of Release(s) at the Site.

Source of Release(s).

What are the source(s) of the release(s) at the Site? Please check all that apply.

- Point source (e.g., leaking tank)
- Non-point source (e.g., contaminated soil used as fill)
- Area-wide lead and arsenic soil contamination (see Question #4 below)
- Other – please specify: _____
- Unknown

To the extent known, please describe the source(s) of the release(s): Historic site activities including a lumber mill, railroad, creosote timber piles and other industrial activity.

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

Unknown

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

Soil contamination encountered during subsurface exploration of the site during project design.

Area-Wide Soil Contamination. For guidance on how to complete this part of the application form, please refer to the application instructions and the area-wide soil contamination tool box located at the following Ecology web site: http://www.ecy.wa.gov/programs/tcp/area_wide/area_wide_hp.html.

Is the Site located within an area affected by smelter emissions, such as the Tacoma Smelter Plume area, or on a former apple or pear orchard in operation prior to 1947?

Yes No Unknown

Does the Site contain area-wide arsenic and/or lead soil contamination?

Yes No Unknown

Nature and Extent of Hazardous Substances Released at the Site.

Hazardous Substances and Affected Media. To the extent known, please identify in the following table the hazardous substances released at the Site and the media (e.g., soil) impacted by those substances using the codes at the bottom of the table.

HAZARDOUS SUBSTANCE	AFFECTED MEDIA				
	SOIL	GROUND WATER	SURFACE WATER	SEDIMENT	AIR
EXAMPLE: Benzene	C	S	N/A	N/A	B
Diesel Oil	C	U	N/A	N/A	N/A
Motor Oil	C	U	N/A	N/A	N/A
Arsenic	C	U	N/A	N/A	N/A
Lead	B	N/A	N/A	N/A	N/A
Chromium	B	N/A	N/A	N/A	N/A
Mercury	B	N/A	N/A	N/A	N/A
Pentachlorophenol	B	N/A	N/A	N/A	N/A

When identifying the affected media in the table above, please use one of the following codes:

- C = confirmed, above cleanup level
- B = confirmed, below cleanup level
- O = confirmed, not present
- S = suspected
- N/A = not suspected
- U = unknown

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
 Community

Indoor Air.

Are contaminate odors present in any buildings, manholes, or other confined spaces?

Yes No Unknown

If you answered "YES" above, please specify:

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 affected by the site
- The source(s) of the release(s) at the site
- The nature and extent of contamination at the site
- Any human or ecological receptors impacted by the site (e.g., drinking water wells)
- The physical characteristics of the site (e.g., property lines, building and road outlines, surface water bodies, water supply wells, ground water flow direction, and utility right-of-ways)
- The properties adjacent to the site and the uses of those properties (e.g., gas station, dry cleaner, residential).

Part 3 – OPERATIONAL HISTORY OF THE SITE

Current 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.

Current Property Owners. To the extent known, please identify below the current owner(s) of the source property.

Name: Mike Mastro		Title:
Organization: Mastro Properties		
Mailing address: 510 Rainier Avenue South		
City: Seattle	State: WA	Zip code: 98144
Phone: 206-323-5393		

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

Name: None (still under construction)		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.

- Residential School
 Commercial Childcare facility
 Industrial Park
 Agricultural
 Other – please specify: **Office Space**

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

Is there a solid waste handling facility located on the Source Property?

- Yes No Unknown

If you answered "YES" above, please identify:

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:

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):

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
423310	Lumber Mill
531190	Railroad easement

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:

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.

- Residential School
 Commercial Childcare facility
 Industrial Park
 Agricultural
 Other – please specify: **office space**

Please also specify the activities proposed for that land use: office space

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? _____ 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 ID#: _____
 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 #: _____
 No
 Unknown

Part 5 – DESCRIPTION OF INDEPENDENT REMEDIAL ACTIONS AT THE SITE

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.

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	

Documentation of Remedial Actions.

Please list in the table below all known remedial action plans or reports produced for the site, including:

- The title of the plan or report,
- The author (e.g. consulting firm) of the plan or report,
- The date the plan or report was produced,
- Whether the plan or report has been submitted to Ecology,
- The date the plan or report was submitted to Ecology.

	TITLE	AUTHOR	DATE	SUBMITTED TO ECOLOGY	
				Y/N?	DATE
EX:	John Doe's Property: Remedial Investigation Work Plan	Mom's Consulting Firm	02/20/99	NO	N/A
1.	Independent Remedial Action Report	Associated Earth Sciences, Inc.	7/7/08	Y	With this application
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Part 6 – STATEMENT AND SIGNATURE

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 Client may sign this Application Form.

Name: Jon Sondergaard <i>Jon Sondergaard, P.E.G.</i>		Title: Principal
Organization: Associated Earth Sciences, Inc.		
Mailing address: 911 Fifth Avenue		
City: Kirkland		State: WA
		Zip code: 98033
Phone: 425-827-7701	Fax: 425-827-5424	E-mail: jsondergaard@aesgeo.com

Affiliation.

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

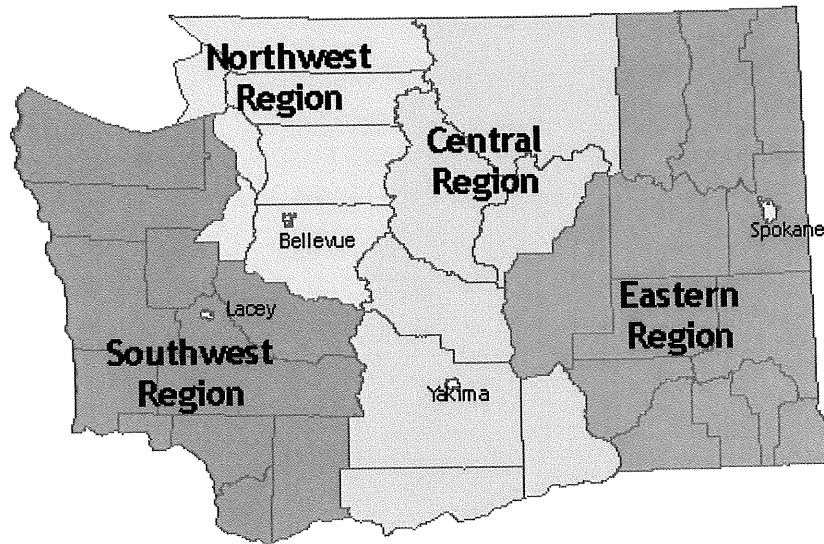
- Client
- Property Owner
- Consultant
- Attorney
- Other – please specify:

SUBMITTAL INSTRUCTIONS

To complete your application, please submit the following materials to the Ecology regional office for the County in which your Site is located:

- 1 - VCP Application Form (signed)
- 2 - VCP Agreement (signed by Client)
- 3 - Independent Remedial Action Plan(s) or Report(s) (see Part I.D of VCP Application Form)
- 4 - Map(s) of the Site (see Part II.G of VCP Application Form)
- 5 - Terrestrial Ecological Evaluation Exclusion Form (if applicable)

To identify the appropriate Ecology regional office, please refer to the following map:



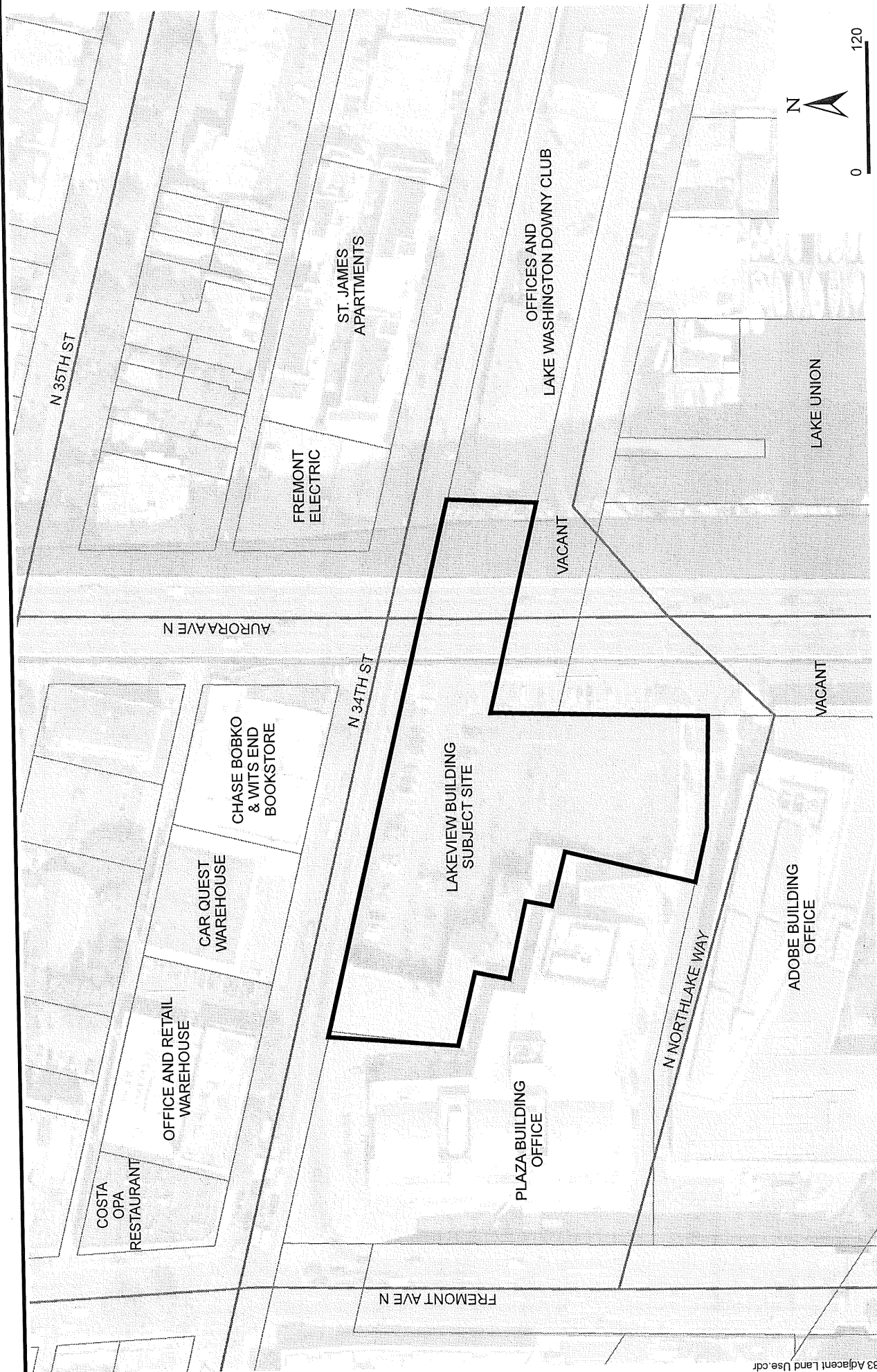
<p>Northwest Region: Attn: Sara Maser 3190 160th Ave. SE Bellevue, WA 98008-5452</p>	<p>Central Region: Attn: Mark Dunbar 15 W. Yakima Ave., Suite 200 Yakima, WA 98902</p>
<p>Southwest Region: Attn: Scott Rose P.O. Box 47775 Olympia, WA 98504-7775</p>	<p>Eastern Region: Attn: Patti Carter N. 4601 Monroe Spokane, WA 99205-1295</p>

If you have any questions regarding the application process or how to complete the forms, please contact the appropriate regional office contact listed below:

<p>Northwest Region: Russ Olsen, Unit Manager (425) 649-7038 rols461@ecy.wa.gov</p>	<p>Central Region: Valerie Bound, Unit Manager (509) 454-7886 vdre461@ecy.wa.gov</p>
<p>Southwest Region: Scott Rose, Acting Unit Manager (360) 407-6347 sros461@ecy.wa.gov</p>	<p>Eastern Region: Keith Holliday, Unit Manager (509) 329-3431 khol461@ecy.wa.gov</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.

ECY #020-74 (revised 11/07)



Reference: King County GIS

Associated Earth Sciences, Inc.



**ADJACENT LAND USE
LAKEVIEW BUILDING
SEATTLE, WASHINGTON**

FIGURE 2

DATE 9/08

PROJ. NO. KE070183A

