



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

April 20, 2020

Chi Tsung Pong
NBK, LLC.
11010 NW 8th Street, Suite 465
Bellevue, WA 98004

Re: Acceptance of VCP Application for the following Site:

- **Site Name:** Eastside Disposal
- **Site Address:** 969 118th Avenue SE, Bellevue, Washington 98005
- **Cleanup Site ID:** 7835
- **Facility/Site ID:** 9271127
- **VCP Project ID:** NW3267

Dear Chi Tsung Pong:

The Department of Ecology (Ecology) has accepted your Voluntary Cleanup Program (VCP) application for the **Eastside Disposal 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 Project.

Agreement

Ecology has completed and signed the VCP Agreement governing the Project. The effective date of the Agreement is **April 16, 2020**. A copy of the Agreement is enclosed. 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

Communications between Ecology and Eastside Disposal should be directed through their

designated managers to the maximum extent possible.

- **Ecology**

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

Mr. Roger Nye
Department of Ecology
Toxic Cleanup Program, NWRO
3190 160th Ave. SE
Bellevue, WA 98008
Phone: (425) 649-7251
E-mail: roger.nye@ecy.wa.gov

- **Eastside Disposal**

The application designated you as the project manager for the site. 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 may download the Form from our VCP web site: <http://www.ecy.wa.gov/programs/tcp/vcp/vcp2008/vcpForms.html>

Requests for Written Opinions

In your application, you requested a written opinion on the sufficiency of your cleanup actions. Ecology will review the documents you submitted and provide you a written opinion within about 90 days.

Reporting Requirements

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

1. **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.
2. **Data Submittal.** Environmental sampling data must be submitted in both a printed form and an electronic form capable of being transferred into our data management systems. 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.

Failure to comply with these requirements may result in unnecessary delays.

Chi Tsung Pong

April 20, 2020

Page 3

Payment

Ecology will send monthly invoices to you, the billing contact designated in the Application Form. If someone replaces you as the billing contact or your contact information changes, please submit a Change of Contact Form. The Form is available 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.

Site Status

Under the Model Toxics Control Act (MTCA), Ecology maintains a list of contaminated sites. Based on your VCP application, Ecology has determined that remedial action is required at the Site under MTCA and has added the Site to the list. Your cooperation in planning or conducting remedial actions at the Site is appreciated and is not an admission of guilt or liability. This "Early Notice" is required under WAC 173-340-310(6)(b).

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, please contact Mr. Roger Nye at (425) 649-7251.

Sincerely,



Sonia Fernández
Toxics Cleanup Program, NWRO

SF:sf

Enclosure: Copy of VCP Agreement

cc: Doug Kunkel, TRC Environmental Corporation (e-mail)
Kelli Barker, VCP Fiscal Analyst



Letter of Transmittal

To: Ms. Sonia Fernandez
Washington State Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008

Date: March 16, 2020

Project No: 01544.0000

From: Doug Kunkel, LHG

RE: Cleanup Action Report - Former Eastside Disposal Property – 969 118th Ave SE Bellevue WA

We are sending the following items:

Date	Number of Copies	Description
3/16/2020	1	Cleanup Action Report – Former Eastside Disposal Property
3/16/2020	1	VCP Application
3/16/2020	1	VCP Agreement
3/16/2020	1	Request for Opinion Form
3/16/2020	1	Agency Determination Checklist

- For your information
 For action specified below
 For review and comment
 For your use
 As requested

Remarks: Enclosed are a Cleanup Action Report for the Former Eastside Disposal property located at 969 118th Ave. SE in Bellevue, WA. Also enclosed are four completed Ecology forms: (1) VCP Application, (2) VCP Agreement, (3) Request for Opinion Form, and (4) Agency Determination Checklist. In addition to these submittals, Site data have been uploaded to Ecology’s Electronic Information Management (EIM) system.

We respectfully request a No Further Action (NFA) determination from Ecology based on the completed cleanup actions at the Site, which are documented in the CAR and in historical documents previously submitted to Ecology or provided as electronic attachments to the CAR.

Ms. Sonia Fernandez
Cleanup Action Report – Former Eastside Disposal Property
969 118th Ave. SE Bellevue, WA
March 16, 2020

Please feel free to call me at 425-241-8170 or email dkunkel@trccompanies.com if you have any questions or concerns regarding this submittal for consideration of an NFA determination.

cc: Mr. William Choi – Pioneer Development
File

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 NBK, 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:
969 118th Avenue SE Bellevue, Washington

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: Eastside Disposal
	Facility / Site No.: 9271127
	VCP Project No.: NW3267

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

Robert W. Warren

Printed Name

Section Manager, NWRO

Toxics Cleanup Program

Section

Date: 4-16-2020

NBK LLC

Name of Customer



Signature

OSCAR PONG

Printed Name of Signatory

manager

Title of Signatory

Date: 10-30-19

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.



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 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: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>

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: NBK, LLC.	
What type of entity is the Customer?	
<input type="checkbox"/> Person	<i>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.</i>
<input checked="" type="checkbox"/> Organization	<i>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.</i>
What is the Customer’s involvement at the Site? Please check all that apply.	
<input checked="" type="checkbox"/> Property owner <input type="checkbox"/> Past property owner <input type="checkbox"/> Future property owner <input type="checkbox"/> Property lessee <input type="checkbox"/> Other – please specify: _____	<input type="checkbox"/> Business owner (operator) <input type="checkbox"/> Mortgage holder <input type="checkbox"/> Consultant <input type="checkbox"/> Attorney
If not the current property owner, is the Customer acting as the agent for the property owner?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If not the current property owner, is the Customer authorized to grant access to the property?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

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: Chi Tsung Pong		Title: Manager
Mailing address: 11010 NE 8 th St, Suite 465		
City: Bellevue	State: WA	Zip: 98004
Phone: 425-454-5888	Fax:	E-mail:

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: Chi Tsung Pong		Title: Manager
Mailing address: 11010 NE 8 th St, Suite 465		
City: Bellevue	State: WA	Zip: 98004
Phone: 425-454-5888	Fax:	E-mail:

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: Douglas Kunkel		Title: Principal Hydrogeologist
Organization: TRC Environmental Corporation		
Mailing address: 1180 NW Maple St. Suite 310		
City: Issaquah	State: WA	Zip: 98027
Phone: 425-395-0016	Fax:	E-mail: dkunkel@trccompanies.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: NBK, LLC.		Title: Owner
Organization: NBK, LLC.		
Mailing address: 11010 NE 8 th St, Suite 465		
City: Bellevue	State: WA	Zip: 98004
Phone: 425-452-0582	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?

Remediation of the final remaining petroleum-contaminated soil under former on-Site building

was recently completed. A Cleanup Action Report for the property was prepared and is provided to

Ecology along with a request for a No Further Action (NFA) determination.

Data from the subject property have been uploaded into Ecology’s EIM database.

Please attach to this Application any additional remedial action plans or reports you want Ecology to review. Ecology will base its opinion on the information contained in the Site file, including any information attached to this Application.

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.

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

Alternate Name: Buss Property

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: 969 118th AVE SE

City: Bellevue

State: WA

Zip: 98005

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: 47.60027	Minutes:	Seconds:
	LONGITUDE :	Degrees: -122.18214	Minutes:	Seconds:
LOCATION ON PROPERTY: [e.g., point of release or center of parcel]		Center of Parcel		
COLLECTION METHOD: [e.g., GPS or address matching]		From Ecology Cleanup Site Details		
COLLECTION SOURCE: [i.e., map scale]		From Ecology Cleanup Site Details		
HORIZONTAL DATUM: [i.e., base reference for coordinate system]		From Ecology Cleanup Site Details		
ACCURACY LEVEL: [i.e., +/- feet or meters]				

Legal Descriptions.

TRS DATA:	Township: 24N	Range: 5E	Section: 4	Quarter-Quarter: NW
TAX PARCEL #(s):	9399700820			

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.

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).

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 questions below)
- Other – please specify: _____
- Unknown

To the extent known, please describe the source(s) of the release(s):

Petroleum hydrocarbon releases to shallow soil beneath two service bays in a former
vehicle maintenance building at the property.

Attach additional pages if necessary.

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

Incidental releases of petroleum hydrocarbons occurred during operation of the former building
as a vehicle service facility. Concrete sumps beneath vehicle service bays likely leaked
through joints or minor cracks impacting shallow soil with petroleum hydrocarbons in small
localized areas under two of the service bays.

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).

Petroleum hydrocarbons impacted soil was identified during a direct push probe investigation
performed for a former property owner in 2012 as part of their environmental management
of the property.

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: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Dirt-Alert-program>. For information about the Tacoma Smelter Plume (TSP) and the associated Management Plan, please refer to the following web site: <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Tacoma-smelter>

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

G. Nature and Extent of Hazardous Substances Released at the Site. The following questions refer to conditions after the release, but prior to any cleanup, of the hazardous substances 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. Use 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
Benzene	C	C	N/A	N/A	N/A
Petroleum-Gasoline	C	C	N/A	N/A	N/A
Petroleum-Diesel	C	C	N/A	N/A	N/A
Petroleum-Oil	B	S	N/A	N/A	N/A
Toluene	B	B	N/A	N/A	N/A
Ethylbenzene	B	B	N/A	N/A	N/A
Total Xylenes	B	B	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

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:

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).

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: NBK, LLC.	Title: Owner	
Organization: NBK, LLC.		
Mailing address: 11010 NE 8 th St, Suite 465		
City: Bellevue	State: WA	Zip code: 98004
Phone: 425-452-0582		

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

Name:	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
721110	Hotel (Under construction as of 03/11/2020)

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:

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:

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
Gasoline	UST	2000	1	U	N	10/89	Removed	Y	N
Gasoline	UST	500	2	U	N	10/89	Removed	Y	N
Diesel	UST	1000	3	U	N	11/89	Removed	Y	N
Diesel	UST	10000	4	U	N	10/93	Removed	Y	N
Gasoline	UST	1000	5	U	N	02/16	Removed	Y	N

(*) 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: Ms. Denise Harp	Title: Owner’s Representative
Organization: Buss Investments, LLC	
Mailing address: 13704 Chain Lake Road	
City: Monroe	State: WA Zip code: 98272
Phone: 206-227-7298	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:	Title:
Organization: Rabanco/Allied Waste/Eastside Disposal	
Mailing address: 4730 32 nd Ave S	
City: Seattle	State: WA Zip code: 98118
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
811111	Automotive repair and maintenance

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:

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 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: | |

Please also specify the activities proposed for that land use:

Construction of a hotel facility with an underground parking structure.

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? No Unknown
1989,1990,2011

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: NW 2565
 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.

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	
				Y/N?	DATE
EX:	John Doe's Site: Remedial Investigation Work Plan	Mom's Consulting Firm	02/20/05	NO	N/A
1.	Gasoline Storage Tank Removal Report	Hart Crowser	3/14/90	Yes	3/14/19
2.	Diesel Tank Remediation Report	Hart Crowser	6/21/90	Yes	6/21/90
3.	Focused Phase II ESA	EPI	9/29/10	Yes	Attached to 2020 CAR
4.	Additional Subsurface Investigation Report	EPI	5/3/12	Yes	Attached to 2020 CAR
5.	Remedial Action Report	EPI	1/11/13	Yes	1/11/13
6.	Monitoring Well Installation and Sampling	EPI	6/17/13	Yes	6/26/13
7.	Underground Storage Tank Closure and Remedial Action Report	Stantec Consulting Services, Inc.	6/10/16	Yes	Attached to 2020 CAR
8.	Cleanup Action Report (CAR)	TRC Environmental Corporation/EPI	3/11/20	Yes	Attached
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: Douglas Kunkel, LHG		Title: Principal Hydrogeologist
Signature: <i>Douglas Kunkel</i>		Date: <i>3/12/2020</i>
Organization: TRC Environmental Corporation		
Mailing address: 1180 NW Maple Street, Suite 310		
City: Issaquah		State: WA
		Zip code: 98027
Phone: 425-395-0016	Fax:	E-mail: dkunkel@trccompanies.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: _____



Agency Determination

Washington State Department of Ecology

AGENCY DETERMINATION CHECKLIST

Who should use this checklist?

If you're independently cleaning up a tank release of a hazardous substance, this checklist helps you determine which one of three Washington technical assistance programs is most appropriate for providing consultation for your cleanup:

1. **Voluntary Cleanup Program (VCP)** under Washington State Department of Ecology (Ecology),
2. **Heating Oil Technical Assistance Program (HOTAP)** under the Pollution Liability Insurance Agency (PLIA), or
3. **Petroleum Technical Assistance Program (PTAP)** under PLIA.

What do these programs provide?

All three programs may provide informal, site-specific technical consultations to people who are conducting independent remedial actions at hazardous waste sites. This checklist helps you determine which one your site is eligible to use. Ecology and PLIA 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, and Chapter 70.149.040 (9) RCW.

Both Ecology and PLIA have agency determination checklists; which one should I use?

You can use either checklist initially, but if you submit an application to Ecology's Voluntary Cleanup Program, **you must also submit this checklist** to ensure you've selected the appropriate independent remedial action technical assistance program. Please note that Ecology is not responsible for delays caused by incorrect submissions or determinations based on inadequate data.

I've determined my site is eligible for Ecology's VCP. What do I do next?

1. Complete and submit a VCP Application, which consists of three documents:
 - a. Agency Determination Checklist ← **THIS DOCUMENT**
 - b. Application Form (including required attachments)
 - c. Agreement
2. Find guidance for completing your application in the VCP Application Instructions at: <https://fortress.wa.gov/ecy/publications/documents/ecy02074i.pdf>
These are also available on the VCP webpage at: <http://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process/Cleanup-options/Voluntary-cleanup-program>

I've determined my site is eligible to enter PLIA's HOTAP or PTAP. What do I do next?

Please follow PLIA's application directions on their website at www.plia.wa.gov.

Accommodation Requests

To request materials in a format for the visually impaired, visit <https://ecology.wa.gov/accessibility>, call Ecology's ADA Coordinator, at 360-407-7668, Relay Service 711, or TTY 877-833-6341.

Part 1 - ADMINISTRATION

Name of customer: Mr. William Choi, Pioneer Development Corp., Inc.

Application submission date: 10/30/19

Final agency determinationTo be completed after reviewing site eligibility in **Parts 2-5** below.

- Washington State Department of Ecology (Ecology)
 Washington State Pollution Liability Insurance Agency (PLIA)

Determination Verification

For use only by Ecology

- Correct determination
 Incorrect determination

Part 2 – HEATING OIL TANK RELEASE SITES

As of July 23, 2017, Ecology and PLIA policy dictates that independent remedial actions at heating oil tank release sites can best serve the residents of Washington and provide greater flexibility and capacity for cleanup of contaminated sites when conducted under PLIA's HOTAP.

- Heating oil includes petroleum product used for space heating in oil-fired furnaces, heaters, and boilers, including stove oil, diesel fuel, or kerosene.
- Heating oil does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing, or the generation of electrical energy.

A. Heating oil tank release sites—PLIA is responsible for all heating oil tank release sites, excluding sites meeting both requirements in Part 2, Section B.

- This site an abandoned, active, or decommissioned heating oil tank release site (including tanks above ground, below ground, or in a basement).
- If you checked the box, move to **Part 2, Section B**.
 - If the box is unchecked, move to **Part 3**.

B. Comingled Contamination—If comingled contamination exists on the site, the site is no longer considered as a heating oil tank release sites, but may be eligible for Ecology's VCP or PLIA's PTAP.

- Comingled contamination exists on the site.
- If you checked the box, move to **Part 3**.
 - If the box is unchecked, move to **Part 2, Section C**.

C. Heating oil tank release site exemptions—Ecology and PLIA may agree to allow Ecology to make heating oil tank release site determinations for releases that involve sites already being cleaned up under Ecology's authority.

- The heating oil tank release occurred on a site already being cleaned up under Ecology's authority.
 Ecology and PLIA have agreed to allow Ecology to make a heating oil tank release site determination at this site.
- If you checked **both** boxes, **STOP**: the site is eligible for Ecology's VCP.
 - If **both** boxes are unchecked, **STOP**: the site is eligible for PLIA's HOTAP.

Part 3 – NON-HEATING-OIL PETROLEUM TANK RELEASE SITES

As of January 1, 2018, PLIA has assumed responsibility for some non-heating-oil petroleum tank release sites (i.e., storage tank systems that contain petroleum or a mixture of petroleum with de minimus quantities of other substances) meeting inclusionary/exclusionary factors developed jointly by Ecology and PLIA (Chapter 70.149.040 (9) RCW).

- Non-heating-oil petroleum includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used/waste oils.
- It does not include propane, asphalt, or other petroleum product that is not liquid at standard conditions of temperature and pressure.

This site is a non-heating-oil petroleum storage tank release site.

- If you checked the box, move to **Part 4**.
- If the box is unchecked, **STOP**: the site is eligible for Ecology's VCP.

Part 4 –INCLUSIONARY FACTORS

Ecology and PLIA have jointly developed inclusionary factors for non-heating-oil petroleum release tank sites. If a non-heating-oil petroleum release tank site meets any of the following factors in **Part 4, Section A and Part 4, Section B**, the site is potentially eligible for PLIA's PTAP (depending on results from Part 5).

A. Ranking factors—the following inclusionary factors are based on the *Washington Ranking Method (WARM) Scoring Manual* (publication number 90-14, dated April 1992) available at <https://fortress.wa.gov/ecy/publications/SummaryPages/90014.html>

- Site is or has been ranked a 3, 4, or 5 according to WARM Site Hazard Assessment.
- Site is or has been ranked a 1 or 2 according to WARM Site Hazard Assessment, but does not include surface water or sediment contamination pathways.

- If you checked either box, move to **Part 5**.
- If neither box is checked (site has not been ranked), move to **Part 4, Section B**.

B. Funding and site type factors—the following inclusionary factors represent applicable factors that may apply, regardless of WARM ranking.

1. Funding factors

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

2. Site type factor

- Site involves a release from non-heating-oil petroleum storage tank system(s), but does not include surface water or sediment contamination pathways.

- If you checked any of the boxes, move to **Part 5**.
- If none of the boxes are checked, **STOP**: the site is eligible for Ecology's VCP.

Part 5 –EXCLUSIONARY FACTORS

Ecology and PLIA have jointly developed exclusionary factors for non-heating-oil petroleum release tank sites. If a non-heating-oil petroleum release tank site meets any of the following exclusionary factors the site is eligible for Ecology’s VCP and ineligible for PLIA’s PTAP, unless the conditions set forth in **Part 5, Section B** are met.

A. Location, legal, funding, VCP, and site type factors

1. Location factors

- Site is within the bounds or impacting a Superfund site (U.S. EPA).
- Site is within the bounds or impacting a Nuclear Waste Program-managed site (Ecology).
- Site is within the bounds or impacting an Industrial Section-managed site (Ecology).
- Site is within the bounds or impacting a Hazardous Waste Toxics Reduction Program-managed Dangerous Waste site (Ecology).

2. Legal factors

- Potentially liable party (PLP) dispute about liability is in progress.
- Other litigation regarding site, court supervision, or agreed order is in progress.
- Site is being remediated under an active contract between Ecology and the PLP.

3. Funding factors

- Site remediation is funded upfront, with Ecology as the sole or leading funding agency.
- Applicant is a local government planning to apply for a Remedial Action Grant (RAG).
- Other litigation regarding site, court supervision, or agreed order is in progress.
- Site is being remediated under an active contract between Ecology and the PLP.

4. Site type factors

- Site has known impacts to surface water or sediment.
- Site consists of comingled non-petroleum and non-incidentals contaminants not related to the operations of the site (including contaminant migration from off-site).

- If you checked any of the boxes, move to **Part 5, Section B**.
- If none of the boxes are checked, **STOP**: the site is eligible for PLIA’s PTAP.

B. Site characterization exemption—Ecology and PLIA may jointly override other exclusionary factors based on the results of a site characterization in accordance with MTCA.

- Exclusionary factors identified in **Part 5 – Section A** have been overridden by a joint decision between Ecology and PLIA based on the results of a site characterization in accordance with MTCA. **If applicable, please include supporting documentation.**

- If you checked the box, **STOP**: the site is eligible for PLIA’s PTAP.
- If the box is not checked, **STOP**: the site is eligible for Ecology’s VCP.



Voluntary Cleanup Program

Washington State Department of Ecology
Toxics Cleanup Program

REQUEST FOR OPINION FORM

Use this form to request a written opinion on your planned or completed independent remedial action under the Voluntary Cleanup Program (VCP). Attach to this form the plans or reports documenting the remedial action. Please submit only one form for each request.

Step 1: IDENTIFY HAZARDOUS WASTE SITE

Please identify below the hazardous waste site for which you are requesting a written opinion under the VCP. This information may be found on the VCP Agreement.

Facility/Site Name: Former Eastside Disposal

Facility/Site Address: 969 118th Ave. SE, Bellevue, WA 98005

Facility/Site No: 9271127

VCP Project No.: NW2565 (inactive)

Step 2: REQUEST WRITTEN OPINION ON PLAN OR REPORT

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

- Remedial investigation plan
- Remedial investigation report
- Feasibility study report
- Property cleanup* plan (* cleanup of one or more parcels located within the Site)
- Property cleanup* report
- Site cleanup plan
- Site cleanup report
- Other – please specify:

Do you want Ecology to provide you with a written opinion on the planned or completed independent remedial action?

- Yes No

Please note that Ecology’s opinion will be limited to:

- Whether the planned or completed remedial action at the site meets the substantive requirements of the Model Toxics Control Act (MTCA), and/or
- Whether further remedial action is necessary at the site under MTCA.

Step 3: REPRESENTATIONS AND SIGNATURE

The undersigned representative of the Customer hereby certifies that he or she is fully authorized to request services from Ecology under the Agreement for this VCP Project.

Name: Douglas Kunkel

Title: Principal Hydrogeologist

Signature: *Douglas Kunkel*

Date: 3/16/2020

Organization: TRC Companies

Mailing address: 1180 NW Maple Street, Suite 310

City: Issaquah

State: WA

Zip code: 98027

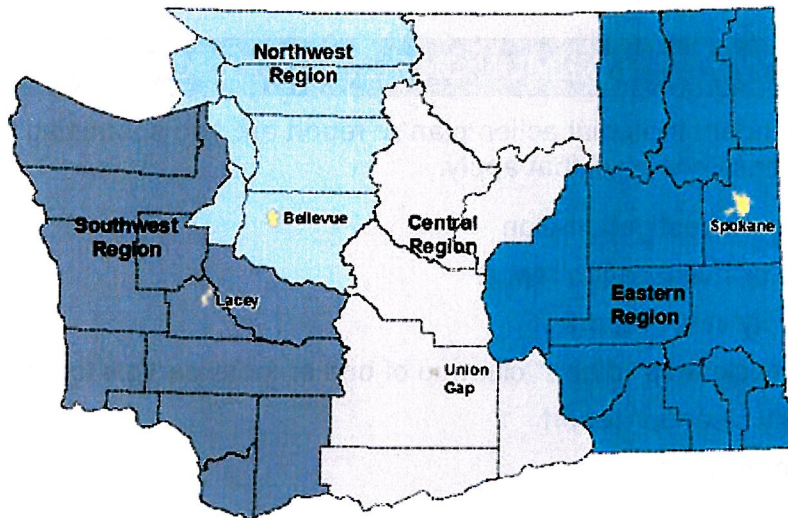
Phone: 425-395-0016

Fax:

E-mail: dkunkel@trccompanies.com

Step 4: SUBMITTAL

Please mail your completed form and the independent remedial action plan or report that you are requesting Ecology review to the site manager Ecology assigned to your Site. If a site manager has not yet been assigned, please mail your completed form to the Ecology regional office for the County in which your Site is located.



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

If you need this publication in an alternate format, please call the Toxics Cleanup Program at 360-407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.