



Electronic Copy

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 8, 2021

Maninder Singh
8701 Greenwood LLC
12620 NE 85th St, Suite 112
Kirkland, Washington 98033
(msingh@kagreaterseattle.com)

Re: Response to Change of Use Request at the Following Cleanup Site:

- **Name:** Texaco 211544 (Site)
- **Address:** 8701 Greenwood Ave N, Seattle, Washington (Property)
- **Facility/Site No.:** 63538329
- **Cleanup Site ID No.:** 6416

Dear Maninder Singh:

You notified Washington Department of Ecology (Ecology) on January 28, 2021 that you plan to change the use of the above referenced Property from a Walgreens retail building to a Kiddie Academy daycare facility. You requested approval from Ecology on February 10, 2021 to perform interior and exterior remodeling activities (including the addition of an outdoor playground) associated with this proposed change in use.

Approval from Ecology is required in accordance with the Environmental Covenant (also known as a Restrictive Covenant) dated July 29, 1996 (King County Recording No. 9607290604).

Site Background and Regulatory Status

- Multiple remedial excavations associated with the historical gasoline station on the Property were conducted between 1994 and 1997.
- The Site received a No Further Action (NFA) determination from Ecology on July 31, 1996. An Environmental Covenant was recorded on July 29, 1996 due to petroleum contaminated soil (PCS) that was left in place after the cleanup actions. A map was included in the Environmental Covenant that depicts the location of the residual PCS, as known at the time.
- Additional PCS was discovered during the redevelopment of the Property into a Walgreens retail store in 1996 and 1997. Additional PCS was left in place after the 1996

and 1997 cleanup actions. This residual PCS is not included in the Environmental Covenant and is not depicted on the associated map, since it was discovered after the Environmental Covenant was recorded.

- The Environmental Covenant requires that if previously unknown contamination is discovered, (1) Ecology must be notified, (2) the impacted soil must be removed as practicable, and (3) additional impacted soil left on the Site must be characterized and recorded in an addendum to the Environmental Covenant. There is no record of an addendum after the additional 1996 and 1997 cleanup actions.
- The extent of soil and groundwater contamination was not delineated. Based on post-remedial-excavation sampling results, PCS is potentially located at the east, south, and west property boundaries. Based on the limited groundwater characterization work that was completed at the time, contaminated groundwater is potentially located near the southern property boundary. The extent of Site contamination off-Property is unknown. The Environmental Covenant is not protective for residual contamination located off-Property. Additionally, a new decision is likely required since Ecology's July 1996 NFA determination only applies to the contamination and cleanup actions that were known at the time.
- Please note that Periodic Reviews have (inadvertently) not been completed by Ecology for this Site. A Periodic Review is typically conducted every five years after a cleanup action when institutional controls (such as an Environmental Covenant) are used as part of the remedy, as required by the Model Toxics Control Act (MTCA). The purpose of the Periodic Review is to evaluate current Site conditions and to ensure continued protection of human health and the environment. This responsibility is Ecology's, and no action is required on your part during the Periodic Review process, unless requested by Ecology.

Recent Investigations

- Partner Engineering and Science Inc. (Partner) informed Ecology on February 4, 2021 that a dry cleaner occupied the Property in at least the early 1950s.
- A Focused Phase II ESA report was completed by EVREN Northwest, Inc. in December 2020, which summarized work completed by Left Coast Services LLC in November 2020. Please note that geologic, hydrogeologic, and engineering work must be under the seal of an appropriately licensed professional, as required by Chapters 18.43 and 18.220 RCW. The November 2020 report was not signed or stamped by a Washington State Licensed Geologist or Engineer.
- The purpose of the 2020 Phase II was reportedly to investigate the historical dry cleaner on the Property and any potential impacts from the north-adjointing property (SMI Inc Trust). However, only soil samples were collected in these areas. The 2020 Phase II references a sheen observed on groundwater near the northern property boundary.

However, a groundwater sample was not collected. The nature, extent, and source of the sheen is unknown. The groundwater quality near the historical dry cleaner is unknown.

- Additional investigation is currently being conducted by Partner. Their scope of work is described in their Phase II Subsurface Investigation and Soils Management Plan Proposal dated February 4, 2021.

Response to Request

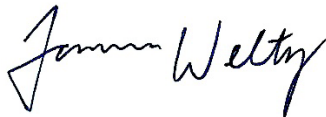
Ecology does not approve the Property use to be changed to a daycare facility since the potential risk to children has not yet been evaluated. The following actions are required prior to Ecology's consideration of your request to operate a daycare on the Property:

- A vapor intrusion assessment needs to be completed. Impacts from the residual petroleum contamination needs to be evaluated, as well as potential impacts from the historical dry cleaner.
- Additionally, single-family residences are located west of the Property. The potential vapor intrusion risk to the residences needs to be evaluated concurrently, given the extent of residual petroleum contamination is unknown.
- A Tier I vapor intrusion assessment is recommended at this time, since the interior remodel has not yet been completed and may change the air circulation in the building. A Tier II assessment should only be considered after the interior remodel.
- The vapor intrusion evaluation must be conducted in accordance with Ecology's 2009 *Draft Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action, Revised April 2018*; Ecology's 2016 *Implementation Memorandum No. 14: Updated Process for Initially Assessing the Potential for Petroleum Vapor Intrusion*; Ecology's 2018 *Implementation Memorandum No. 18: Petroleum Vapor Intrusion (VI): Updated Screening Levels, Cleanup Levels, and Assessing PVI Threats to Future Buildings*; and any other relevant regulations.
- Residual contamination needs to be evaluated in the proposed playground area to ensure protectiveness from direct contact.
- The historical dry cleaner needs to be thoroughly investigated to determine whether there has been a release to soil, groundwater, or air. The type of activities conducted at the former business and what chemicals were used should be evaluated. This should also involve identifying the former locations of dry cleaning machines, piping, drains, potential dumping areas (such as the back door of the former building), and any other potentially contaminated areas.
- Contaminated soil and groundwater associated with the historical gasoline service station may have migrated off-Property, and should be characterized.

- You will need to enroll in the Voluntary Cleanup Program (VCP) in order to be assigned an Ecology site manager that will review your submittals and evaluate your request. Given that Ecology's July 1996 NFA decision and Environmental Covenant no longer accurately represent the Site conditions, a new agency decision is likely needed, which can be accomplished via the VCP. Additional information on the VCP can be found at <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Voluntary-Cleanup-Program>.
- A monitoring well is reportedly still located on the Property (generally referred to as AGW-6, but referred to as MW-01 in the 2020 Phase II). You inquired whether the well should be decommissioned. However, decommissioning the well appears to be premature at this time.
- Please note that if you discover additional contamination on your Property, you are required to report it to Ecology.

Please contact me by email at tamara.welty@ecy.wa.gov or by phone at (425) 649-7023 if you have any questions.

Sincerely,



Tamara Welty, LG, LHG
Toxics Cleanup Program, NWRO

Enclosures (5):

- 1) Purchase of 8701 Greenwood Avenue North, Seattle, WA 98103 letter dated January 28, 2021
- 2) Phase II Subsurface Investigation and Soils Management Plan Proposal dated February 4, 2021
- 3) Summary of Proposed Ground Disturbance letter dated February 10, 2021
- 4) Restrictive Covenant on the former Texaco Property, 8701 Greenwood Ave. North, Seattle, WA dated July 29, 1996
- 5) Independent Remedial Action Program Review, Former Texaco Service Station #63-232-0037 letter dated July 31, 1996

cc: Brian T. Godbois, Partner Engineering and Science Inc. (BGodbois@partneresi.com)
Louise Bardy, Ecology TCP (louise.bardy@ecy.wa.gov)
Ecology Periodic Review Site File



Sent via US MAIL and email: TAW461@ECY.WA.GOV

January 28, 2021

Tamara Welty

Periodic Reviewer & Site Manager
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98009-5452

RE: Purchase of 8701 Greenwood Avenue North, Seattle, WA 98103

Hi Tamara,

As Jim Samuel (General Partner of Dexter Place Associates) notified to you on December 23, 2020, the property at 8701 Greenwood Ave N, Seattle WA has been purchased by us (8701 Greenwood LLC) for the purpose of running Kiddie Academy, an educational Childcare. We plan to retain the existing building as-is and do tenant improvements inside the building.

Please do not hesitate to reach out to me if you have any questions. My contact information is included below:

Maninder Singh
8701 Greenwood LLC
12620 NE 85TH ST, Suite 112
Kirkland, WA 98033
MSingh@KAGreaterSeattle.Com
(425) 223 7583

Sincerely,

Maninder Singh
Member, 8701 Greenwood LLC
(425) 223 7583



February 4, 2021

Maninder Singh
Kiddie Academy
Email: msingh@kagreaterseattle.com

Subject: Phase II Subsurface Investigation and Soils Management Plan Proposal

Maninder Singh - Expansion
8701 Greenwood Ave North
Seattle, Washington 98103
Partner Proposal Number P20-293062.2

Dear Mr. Singh:

Partner Engineering and Science, Inc. (Partner) is pleased to submit this proposal to provide environmental services for the above-referenced property. To authorize Partner to proceed with this project, please sign and date the attached Authorization and forward the entire agreement by fax or email to Partner.

Project History

Partner completed a *Phase I Environmental Site Assessment Report* (Phase I) for the subject property, dated September 29, 2020, on behalf of Live Oak Bank and The U.S. Small Business Administration. Based on the information reviewed and the site reconnaissance, the subject property consists of one parcel of land comprising 0.75 acre located on the northwest corner of the Greenwood Avenue North and North 87th Street intersection within a mixed commercial and residential area of Seattle, King County, Washington. The subject property is currently developed with one 14,707-square foot building, which was constructed in 1997 and is currently vacant. In addition to the structure, the subject property is improved with asphalt-paved parking areas and associated landscaping.

According to available historical sources, the subject property was formerly undeveloped as early as 1894; developed with commercial and residential buildings between 1917 and circa 1994 including various gasoline stations on the southern portion of the property between 1940 and 1994; and developed with the current structure in 1997. Tenants on the subject property include residential occupants (1917-1967); Olmstead Realty (1920-1935); Owl Drug Co (1925-1930); medical and dental building, electric repair shop, laundry (1930); Texaco (1951-1994); Vanity Cleaners (1951-1955); Tea Garden, Slate Insulating Co (1951); Greenwood Cycle (1955-1960); Kellogg R E Co (1955); Forty Fifth Democratic Headquarters, Allied Crafts furniture manufacturers (1960); Bys All Beef Burgers restaurant (1964-1970); Greenwood Electric Motors (1964-1994); Short Stop Drive Inn (1975); Greenwood Burger Co (1980-1994); and Walgreens (1996-2009).

The following recognized environmental conditions (RECs) were identified in the Phase I:

- The subject property was previously several individual lots which included 8715 Greenwood Avenue. Vanity Cleaners occupied this property as a cleaners and dyers between 1951 and 1955. Dry cleaning operations typically use chlorinated solvents, particularly tetrachloroethylene (PCE), during the dry cleaning process. These solvents, even when properly stored and disposed of, can be released from these facilities in small, frequent releases through floor drains, cracked concrete, and sewer systems. Chlorinated solvents are highly mobile chemicals that can easily accumulate in the soil and migrate to the groundwater beneath a facility. Based on the lack of previous subsurface investigations in this area, and the nature of dry cleaning chemicals, the former presence of the dry cleaning business on the subject property is considered a REC.
- The adjacent property identified as SMI Inc. Trust at 8733 North Greenwood Avenue, is located adjacent to the north of the subject property and hydrologically cross- to up-gradient. According to Environmental Data Resources (EDR), this property is listed on several databases including the Hazardous Site List (HSL) and Confirmed and Suspected Contaminated Sites List (CSCSL). This property has a confirmed release of conventional contaminants, organics and metals which have impacted soil. In addition, it is suspected that halogenated organics and petroleum products have also impacted the property. The site status is currently awaiting cleanup. In addition, two documented spills of petroleum products occurred in 1999 and 2011. Based on the close proximity to the subject property, active release, and inferred groundwater flow direction, this site is expected to represent a REC.

According to previous subsurface investigations and topographic map interpretation, the depth of groundwater in the vicinity of the subject property is inferred to be approximately 4 to 7 feet below ground surface (bgs) and groundwater flow is inferred to be toward the west-southwest. The subsurface is expected to consist of sand and silty sand with gravel to at least 15 feet bgs.

Objective

The main objective of the project will be to provide a Soils Management Plan and to evaluate the potential impact of petroleum hydrocarbons and volatile organic compounds (VOCs) to soil gas, soil, and/or groundwater as a consequence of a release or releases from the former dry cleaning facility and documented north-adjacent release.

To investigate the identified RECs, Partner will conduct a Phase II Subsurface Investigation. The investigation scope will include the advancement of three borings and the installation of three sub-slab soil gas probes to facilitate the collection and analysis of soil gas, soil, and/or groundwater samples.

If soil gas, soil, and/or groundwater impacts are observed/recorded, the investigation scope may not be sufficient to evaluate the extent and magnitude of subsurface impacts and additional laboratory analysis and/or sampling beyond the proposed scope may be required.

To address potential impacts that may be encountered during upcoming construction activities on the subject property, Partner will develop a Soils Management Plan. Specifically, the Soils Management Plan will include a summary of the site history and potential contaminants of concern and provide guidance for the

following: identifying suspected impacted soils, managing and stockpiling graded soils (e.g., dust control and stockpile management), collecting and analyzing samples from stockpiled soil as necessary to establish waste classification, and handling and/or disposing of soil with confirmed impacts. The Soils Management Plan will be an evolutionary product available for use by future contractors and/or consultants. Partner will be available for the duration of construction to discuss site condition changes via email or telephone, or if on-site presence is requested, Partner can participate in meetings as necessary for an additional fee.

Scope

Sampling procedures will generally conform to the requirements of the State of Washington Department of Ecology (Ecology) and the United States Environmental Protection Agency (EPA). A state-certified laboratory will analyze the samples and the project will be performed under the responsible charge of a qualified Partner representative. Laboratory results will be compared to Ecology Model Toxics Control Act (MTCA) Cleanup Levels.

Partner will perform the following tasks for the Phase II Subsurface Investigation:

- Prepare a site-specific health and safety plan;
- File a Notice of Intent to Drill (Start Card) with Ecology;
- Notify Washington Utility Notification Center (WUNC) a minimum of two business days prior to drilling activities to clear public utilities;
- Clear boreholes of utility lines through a geophysical survey. Boring placement will be modified as necessary based on the geophysical survey results to avoid damaging underground features. Additionally, to the extent practical based on subsurface lithology, clear boring locations using hand tools;
- Advance three borings distributed throughout the subject property in the areas of the former dry cleaning facility and to the northern property line to a terminal depth of 15 feet bgs or groundwater, whichever is shallower, collecting soil samples at 2 feet bgs and in 5-foot intervals from 5 feet bgs to the terminal depth and a grab groundwater sample at the terminal depth;
- Continuously field-screen each soil boring using a photoionization detector (PID);
- Prepare up to 12 soil samples and three groundwater samples for laboratory analysis;
- Install a temporary soil gas probe in each boring at 5 feet bgs. The final screening depth at each borehole will be adjusted based on the encountered lithology. In general, probes will be screened within coarser-grained materials and clayey/saturated intervals will be avoided, if possible;
- Install three temporary sub-slab soil gas probes distributed throughout the subject property building foundation;
- Purge each probe, then collect and prepare up to six soil gas samples for laboratory analysis using laboratory-provided, batch-certified SUMMA canisters and flow controllers with a 5- to 10-minute sample period;
- Analyze each soil gas sample (up to six soil gas samples total) for VOCs via EPA Method TO-15/8260;
- Based on field-screening results, analyze each groundwater sample (three soil and three groundwater samples total) for gasoline-range organics (GRO) via Ecology Method NWTPH-Gx, for diesel- and residual-range organics (DRO and RRO, respectively) via Ecology Method NWTPH-Dx/Dx Extended, and for VOCs via EPA Method 8260;

- Based on field-screening results, one soil sample from the former dry cleaning facility boring (one soil sample total) for VOCs via EPA Method 8260;
- Retain soil cuttings and purge water in properly labeled drums (if required);
- Partner will interface with Ecology to determine if the on-site groundwater monitoring well can be properly abandoned; and
- Compare data to applicable screening criteria, and prepare a report summarizing field activities, methods, and findings.

Assumptions

Partner has prepared this quotation under the following assumptions:

- Up to two hours of staff time is included in this proposal for interfacing with Ecology. Additional hours, if required, will be provided for an additional fee;
- Designing or permitting of dewatering systems is not included in the scope of the project;
- The cost for executing additional work or sampling described within the Soils Management Plan, if any, is not included in this proposal;
- The work will be performed without regulatory supervision; However, please note that Ecology will be notified of the drilling activities via the Start Card;
- Fieldwork will be performed during regular business hours (7:00 a.m. – 5:00 p.m. Monday through Friday, excluding holidays). Additional fees will apply for work conducted outside of regular business hours;
- No permits will be required to conduct this investigation;
- To allow for utility marking per State law, no subterranean work may commence less than a minimum of two business days from receipt of the signed agreement;
- A minimum fee of \$500 will be assessed for Client-directed cancellation of the project after authorization has been provided;
- An additional fee of \$2,500 will be assessed for Client-directed cancellation or rescheduling of field activities with less than two business days advanced notice;
- Fieldwork will be conducted within the subject property lines on private property. No drilling activities will be performed in the public right-of-way;
- The surface cover will be no thicker than 6 inches;
- The investigation area will be cleared of obstructions by the property owner, prior to scheduled fieldwork;
- The geophysical survey investigation area surface cover does not consist of reinforced concrete;
- No more than six boring/probe locations will require utility clearance through the geophysical survey;
- The client is responsible for providing information to Partner regarding the location of intra-site utilities. Partner is not responsible for damages to underground or aboveground utilities, for unmarked or mismarked utilities or other features, or for damage that occurs to such utilities or features;
- Based on the expected lithology and subsurface conditions to be encountered at the site, the proposed drilling method is direct-push and roto-hammer technology;
- Interior and exterior boring/probe locations will be accessible with a truck-mounted direct-push drill rig and a roto-hammer, respectively;
- Six- and 13-foot minimum overhead clearances will be available at the interior and exterior boring locations, respectively;
- Groundwater will be encountered at 15 feet or shallower;

- The underlying water-bearing unit will have sufficient recharge to collect viable groundwater samples within the timeframe of on-site fieldwork;
- The underlying lithology will have sufficient permeability to collect viable soil gas samples;
- The work will not be conducted during periods of rainfall;
- Refusal will not be encountered prior to the target depth. Subsurface conditions can vary unexpectedly and Partner provides no guarantee that a depth proposed will be reached;
- Partner will not be responsible for cracking, settling, and/or damage to surrounding ground cover, landscaping, and/or structures/features due to equipment usage;
- Concrete or asphalt patch will be sufficient to refinish the ground surface at each boring location. Partner will not be responsible for replacing ground cover at boring locations (e.g., tiles, carpet, epoxy seal, etc.) beyond concrete or asphalt patch;
- **Waste disposal is not included within the scope of this proposal. Partner can prepare a Change Order for Waste Disposal pending the final number of drums and/or laboratory analyses if required;**
- Standby time directed by the Client due to access limitations and/or other causes outside of Partner's control will be charged at a rate of \$1,000 per hour;
- The scope herein includes up to two hours of consultation after the final report has been submitted to the client. Additional time requested by the client for consultation services will be billed under this same contract at a rate of \$200 per hour;
- Analyses will be conducted with a standard five-business day turnaround time (see Authorization to Proceed for 24- to 48-hour expedited laboratory analysis turnaround time option); and
- Unanalyzed samples will be archived at the laboratory up to the allotted analysis hold time. Additional fees will apply for the analysis of archived samples, if required, and are not included in this proposal.

Please note that sampling will be required within the subject property building to conduct this investigation.

Fees, Schedule, and Report Distribution

- Standard Turnaround Time: 20 Business Days from authorization to proceed **\$ 12,430**
or
- Expedited Turnaround Time: 15 Business Days from authorization to proceed **\$ 15,650**

An initial 50% retainer will be due upon authorization of the project, the remaining 50% will be due upon finalization of fieldwork. If required, additional consulting services provided for this project beyond the scope of this proposal will be charged at an hourly rate and billed on a monthly basis.

No more than one day will consist of on-site fieldwork. Project activities will commence upon receipt of completed and signed authorization form. The report will be delivered according to the schedule above, provided that site access is granted without delay. Partner will not be responsible for delays caused by regulatory agencies and/or other forces outside of Partner's control.

The Client will be provided an electronic copy of the report upon finalization.

This proposal is only valid if authorized within 30 days from the date of issuance. Attached are the Authorization to Proceed and Terms and Conditions that govern the proposed services, each of which is incorporated by reference into this agreement. Together with documents expressly incorporated by

reference, the executed proposal shall constitute a contract for services. The Client is responsible for understanding the proposed entire agreement including all incorporated and referenced documents as well as the applicable industry standards to which the work is performed. By signing this agreement, the Client confirms that s/he has read and accepted the Terms and Conditions.

Signatures of Environmental Professionals

If you have any questions, please do not hesitate to contact Marshall Stanclift at 801-783-2734.

Sincerely,



Brian T. Godbois
Project Manager



Samantha J. Fujita
Regional Manager – Subsurface Investigation



Marshall Stanclift
National Client Manager



Proposed Boring Location



Proposed Boring Location



KEY: Subject Property 

FIGURE 1: PROPOSED SAMPLE LOCATION MAP
 Proposal No. P20-293062.2



February 10, 2021

Washington Department of Ecology
Attn: Tamara Welty
3190 160th Avenue SE
Bellevue, WA 98008

RE: Summary of Proposed Ground Disturbance

Address: 8701 Greenwood Avenue North, Seattle, WA 98103
Project Name: Kiddie Academy of Seattle at Greenwood – Child Care Center TI

The Kiddie Academy of Seattle at Greenwood tenant improvement project proposes an interior remodel of an existing Walgreens retail building and limited site work for a new child care use. The scope of work that includes ground disturbance is limited to: (1) new synthetic turf, (2) curb cuts, (3) new fence and canopy footings, (4) new landscaping, and (5) new interior plumbing. The intention is to leave the majority of the property undisturbed, including the parking lot, pavement, and interior slab.

- 1. Synthetic Turf.** Approximately 3,500 square feet of asphalt is proposed to be removed at the location of 3 new play areas. The soil underneath will remain largely undisturbed. In place of the asphalt, new safety padding and synthetic turf will be installed. The ground disturbance associated with this work will be very minor in nature, extending 6 inches or less below pavement.
- 2. Curb Cuts.** Approximately 300 square feet of area along the west property line will be disturbed to relocate a curb cut. One existing curb cut at the alley will be demolished and replaced with new landscaping. One new curb cut will be installed, requiring removal of existing landscaping. The ground disturbance associated with this work is anticipated to extend no further than 30 inches below grade.
- 3. Fence and Canopy Footings.** New fencing will be installed along the perimeter of the property and new play areas. Two new shade canopies will be installed. The ground disturbance associated with this work is limited to small fence post holes and 24-inch diameter canopy footings. The ground disturbance associated with this work is anticipated to extend no further than 30 inches below grade.
- 4. Landscaping.** Per City of Seattle requirements, new landscaping will be installed in the existing landscape areas along the west property line. The ground disturbance associated with this work is anticipated to extend no further than 30 inches below grade.
- 5. Plumbing.** At the interior of the building, selective areas of the existing concrete slab on grade will be sawcut to allow for installation of new domestic water and sanitary sewer piping. The ground disturbance associated with this work is anticipated to extend no further than 30 inches below grade.

Please call me if you have any additional questions or comments. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michele M Hill".

Michele M. Hill, AIA, NCARB, SEED

RESTRICTIVE COVENANT
on the former TEXACO property
8701 Greenwood Ave. North, Seattle, WA

COPY RECEIVED

JUL 29 1996

REC RECORDS

The property that is the subject of this Restrictive Covenant has been the subject of an independent remedial action under Chapter 70.105D RCW. The remedial action undertaken to clean up the property is described in various reports on file at the Northwest Regional Office of the Department of Ecology ("Ecology") under the file heading: Incident No. 2298, "Texaco Station 63-232-0037." This Restrictive Covenant is required under Ecology's rule WAC 173-340-440 because the remedial action resulted in residual concentrations of petroleum contaminated soil which exceed Method A cleanup levels for soil established under WAC 173-340-740.

The undersigned, Village/Seattle Partners, is the fee owner of real property in the County of King, State of Washington (legal description attached as Exhibit A hereto), hereafter referred to as "Site." The Site contains the following subsurface areas with the residual hydrocarbon concentrations in the soil exceeding Model Toxics Control Act ("MTCA") Method A Cleanup Levels:

1. Soil approximately three (3) feet below ground surface at the western sidewall of the former waste oil/sump excavation at the southwestern portion of the Site (Sample WOWWH-3).
2. Soil beneath the former waste oil/sump excavation at the southwestern portion of the Site approximately seven (7) feet below ground surface (Sample WOPM3-7).
3. Soil approximately five (5) and six (6) feet below the ground surface at the eastern side wall of the former waste oil/sump excavation at the southwestern portion of the Site (Samples WOEWO-5 and WOEW-6).

A drawing of the areas of known remaining soil contamination is attached hereto as Exhibit B.

Groundwater has not been impacted in these areas. Soil sample locations are shown on Plat-4 in the *Independent Remedial Action Report* dated January 6, 1996, prepared by Environmental Resolutions, Inc.

Village/Seattle Partners makes the following declaration as to limitations, restrictions and uses to which the Site may be put, and specifies that such declarations shall constitute covenants to run with the land, as provided by law, and shall be binding on all parties and all persons claiming under it, including all current and future owners of any portion or interest in the Site.

Section 1 - Soil with the hydrocarbon concentrations exceeding MTCA Method A Cleanup Levels that is excavated during activities at the Site shall be treated or disposed of at an approved facility. Documentation for disposal of impacted

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soil and results of all laboratory testing shall be submitted to Ecology following completion of activities. If previously unknown areas of soil with hydrocarbon contamination exceeding MTCA Method A cleanup levels are discovered during site activities, (1) Ecology must be notified, (2) the impacted soil will be removed as practicable, and (3) additional impacted soil left on the Site will be characterized and recorded in an addendum to this Restrictive Covenant.

Section 2 - Monitoring well AGW-6 must be sampled semi-annually, five times beginning September 1996. Any values of TPHG, TPHD, and BTEX exceeding Method A cleanup levels for groundwater must be reported to Ecology. Activities at the Site which interfere with the groundwater monitoring are prohibited. If construction or other activities require relocation of AGW-6, Ecology's prior approval must be obtained. Ecology's prior approval is not required for modifications to the surface elevation only of AGW-6 that do not affect sampling or monitoring.

Section 3 - The owner of the Site must give written notice to Ecology, or to a successor agency, of the owner's intent to convey interest in the Site.

Section 4 - The owner must notify and obtain approval from Ecology, or from a successor agency, prior to any use of the Site that is inconsistent with the terms of this Restrictive Covenant. Public notice and comment may be sought by Ecology, or a successor agency, prior to the approval of the proposed change.

Section 5 - The owner shall allow authorized representatives of Ecology, or from a successor agency, the right to enter the Site at reasonable times for the purpose of evaluating compliance with the terms of this Restrictive Covenant.

Section 6 - The owner of the Site and the owner's assigns and successors in interest reserve the right under WAC 173-340-720 and WAC 173-340-440 to record an instrument which provides that this Restrictive Covenant shall no longer limit use of the Site or be of any further force or effect. However, such instrument may be recorded only with the consent of Ecology, or of a successor agency. Public notice and comment may be sought by Ecology, or a successor agency, prior to recording of such an instrument.

DATED this 26th day of July, 1996

VILLAGE/SEATTLE PARTNERS, a California general partnership
By: K & I ASSOCIATES, L.P., a California limited partnership,
its managing general partner

By: VPI, Inc., a California corporation,
its general partner

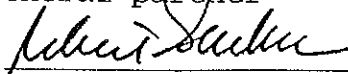
By: 
Robert Isackson
President

EXHIBIT A

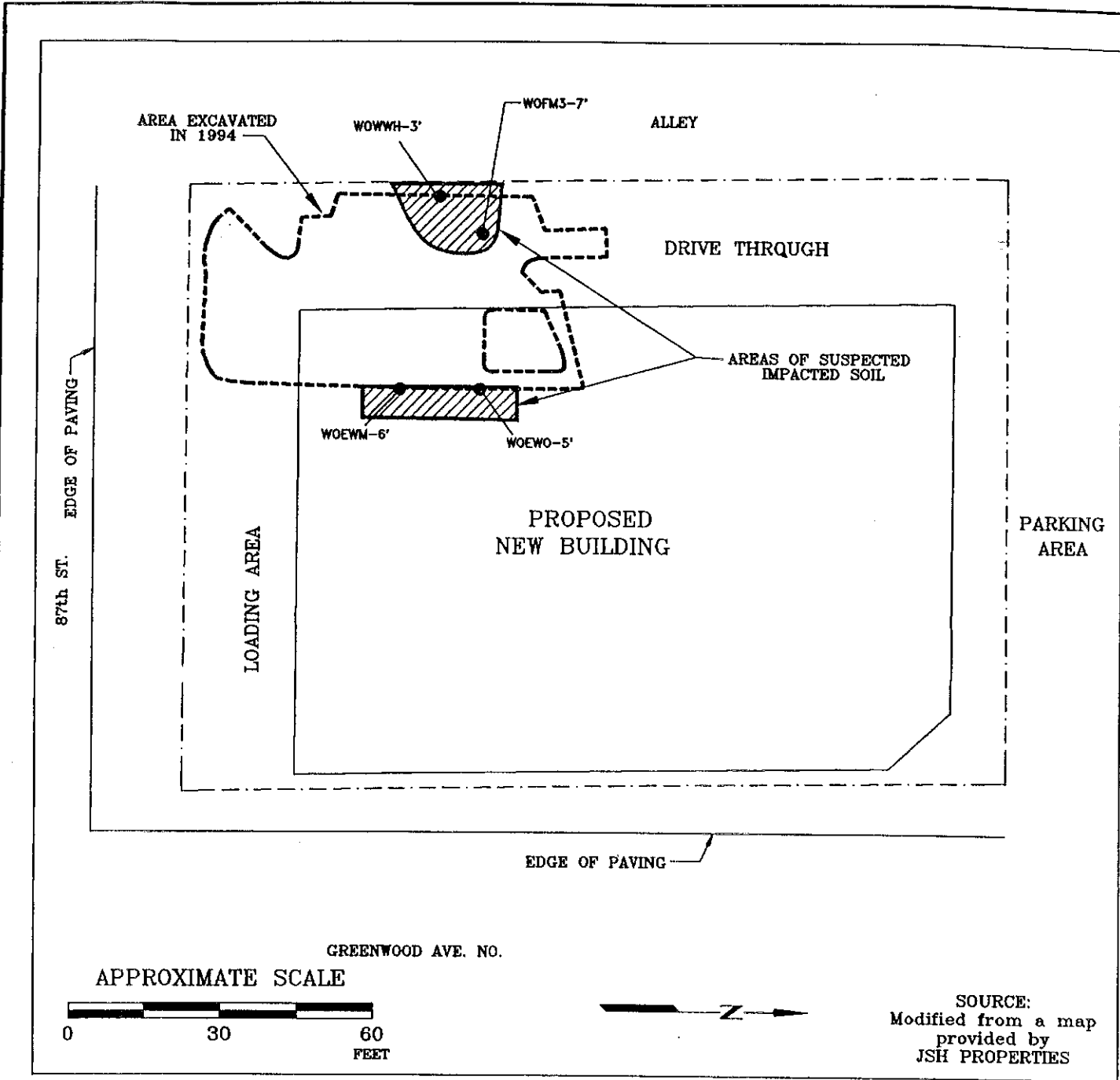
Legal description of that certain real property located at 8701 Greenwood Avenue North, City of Seattle, County of King, State of Washington:

Lots 5 and 6, Block 1, Greenwood Park Third Addition to the City of Seattle, according to the plat recorded in Volume 18 of Plats, page 14, in King County, Washington; EXCEPT the East 15 Feet thereof conveyed to King County for road purposes by Deeds recorded under Auditor's File No. 2579428 and 2582718.

SUBJECT TO: Easements, restrictions and reservations of record, if any.

INCLUDING,

Lot 4, Block 1, Greenwood Park Third Addition to the City of Seattle, according to plat recorded in Volume 18 of Plats, page 14, in King County, Washington, EXCEPT the East 15 Feet condemned for Greenwood Avenue under King County Superior Court Cause No. 238428.



FN 31001003

EXPLANATION

- Soil Sample Location and Identification
WOFM3-7'
- Upper Limit of Excavation

EXHIBIT B



AREAS OF SUSPECTED IMPACTED SOIL
 FORMER TEXACO FACILITY 63-232-0037
 8701 Greenwood Avenue North
 Seattle, Washington

PROJECT NO.
31001
PLATE
P-4
 DATE: 12/28/96

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

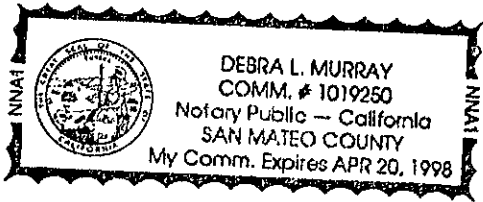
State of California

County of San Francisco

On July 26, 1996 before me, Debra L. Murray, Notary Public
DATE NAME, TITLE OF OFFICER - E.G. "JANE DOE, NOTARY PUBLIC"

personally appeared Robert Isackson
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Debra L. Murray
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
President, VPI, Inc.
TITLE(S)
- PARTNER(S)
- LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Restrictive Covenant
TITLE OR TYPE OF DOCUMENT

4 + notary page
NUMBER OF PAGES

7/26/96
DATE OF DOCUMENT

N/A
SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)
Village/Seattle Partners



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

July 31, 1996

Ms. Theresa A. Geijer
Project Manager
Texaco Refining and Marketing Inc.
Environmental Health and Safety
3400 188th St. SW, Suite 630
Lynnwood, WA 98037

Dear Ms. Geijer:

Re: Independent Remedial Action Program Review,
Former Texaco Service Station # 63-232-0037

Thank you for submitting the results of your independent remedial actions for Department of Ecology (Ecology) review. 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 submitted reports regarding remedial actions at the former Texaco Service Station # 63-232-0037 facility located at 8701 Greenwood Avenue North in Seattle, WA:

- ✓ 1. Report On Initial Site Assessment, prepared by Texaco Environmental Services, dated 7/91.
- ✓ 2. Quarterly Update Report, August - October, 1991, prepared by Texaco Environmental Services, dated 11/15/91.
- ✓ 3. Quarterly Ground Water Sampling Report, prepared by EMCON Northwest, Inc., dated 5/7/92.
- ✓ 4. Ground Water Sampling Report, prepared by EMCON Northwest, Inc., dated 12/4/92.
- ✓ 5. Groundwater Sampling Report, prepared by EMCON Northwest, Inc., dated 7/1/93.
- ✓ 6. Groundwater Sampling Report, prepared by EMCON Northwest, Inc., dated 9/23/93.
- ✓ 7. Underground Storage Tank Decommissioning, prepared by EMCON Northwest Inc., dated 9/9/94.

Theresa Geijer
July 31, 1996
Page 2

8. Groundwater Sampling Report, prepared by EMCON Northwest, Inc., dated 6/13/95.
9. Groundwater Sampling Report, prepared by Emcon Northwest, Inc., dated 8/8/95.
10. 1994 Progress Report, prepared by EMCON Northwest, Inc., dated 8/8/95.
11. Groundwater Sampling Report, prepared by EMCON Northwest, Inc., dated 11/9/95.
12. Remediation Status Report, prepared by EMCON Northwest, Inc., dated 11/10/95.
13. Independent Remedial Action Report, prepared by Environmental Resolutions, Inc., dated 1/5/96.
14. Groundwater Sampling Report, prepared by EMCON Northwest, Inc., dated 1/25/96.
15. Groundwater Sampling Report, prepared by EMCON Northwest, Inc., dated 3/8/96.
16. Excavation and Soil Sampling Report, prepared by Environmental Resolutions, Inc., dated 3/15/96.
17. Condition of the Oil-Water Separator, prepared by Environmental Resolutions, Inc., dated 3/25/96.

Based upon the information presented in the above-listed reports Ecology has determined that, at this time, the site does not pose a threat to human health or the environment as a result of the releases addressed in those reports.

Therefore, Ecology has determined that no further action is necessary at this site under the MTCA, Chapter 70.105D Revised Code of Washington (RCW). Please note that because your remedial actions were not conducted under a Consent Decree with Ecology, this letter is not a settlement by the state under Ch. 70.105D.040(4) RCW.

This determination is made only with respect to the releases identified in the submitted remedial action reports. This no further action determination applies only to the areas of the property at 8701 Greenwood Avenue North in Seattle affected by the releases identified in those reports. 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 Texaco Refining and Marketing Inc.

Theresa Geijer
July 31, 1996
Page 3

This no further action determination was contingent on the recording of a Restrictive Covenant with the property deed for the former Texaco Station # 63-232-0037 at the King County records office. The Restrictive Covenant is necessary to document residual contaminated soil remaining on the site as described in the submitted remedial action reports. The Restrictive Covenant also contains provisions for additional groundwater monitoring and for dealing with additional contaminated soil if discovered during construction activities. Failure to abide by the terms of the Restrictive Covenant may result in Ecology's withdrawal of the no further action determination.

Ecology does not assume any liability for any release, threatened release or other conditions at the site, or for any actions taken or omitted by any person or his/her agents or employees with regard to the release, threatened release, or other conditions at the site. Ecology reserves the right to require further action at the site if new or different information other than that presented in the submitted reports becomes known or available.

Ecology will update its Leaking Underground Storage Tank (LUST) Site database to reflect this "No Further Action" determination. This site will not appear in future publications of the LUST database.

Please contact me at (206) 649-7251 if you have any questions.

Sincerely,



Roger K. Nye
Hydrogeologist, Toxics Cleanup Program

RN:rn