



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 10, 2003

Mr. Marsilio DiGiovanni
Midway I & P LLC
17015 53rd Avenue South
Seattle, WA 98188

Dear Mr. DiGiovanni:

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

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Former Southgate Oil, 23428 Pacific Highway South, Kent:

1. Progress Site Assessment, prepared by Nowicki & Associates, Inc. / May 3, 2001.
2. Underground Storage Tank Decommissioning and Soil Remediation Project, prepared by Sound Environmental Strategies, Corp. / February 25, 2002.

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

Based upon the information in the report(s), Ecology has determined that, at this time, the release of diesel-range hydrocarbons into the soil within the property boundary no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D030(1)(i) and does not constitute a settlement under RCW 70.105D.040(4) and is not binding to Ecology.

Ecology's "No Further Action" determination is made only with respect to the release identified in the reports listed in the reports above. This "No Further Action" determination applies to soil only within the property boundary of the Former Southgate Oil, 23428 Pacific Highway South, Kent. Diesel-range petroleum hydrocarbon soils exist along the northern property boundary of the subject property off-site beneath a paved alley.



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Ecology will update its database to reflect this "No Further Action" determination for soil only within the property boundary of the Former Southgate Oil, 23428 Pacific Highway South, Kent. Your site will continue to appear in future publications of the Confirmed and Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report) and the Leaking Underground Storage Tank List.

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

If you have questions, please contact Carrie McDougal at (425) 649-7257.

Sincerely,



Carrie McDougal
Toxics Cleanup Program

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