



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 20, 2002

Mr. Alex Jones
Environmental Partners, Inc.
10940 NE 33rd Place, Suite 110
Bellevue, WA 98004

Dear Mr. Jones:

RE: Safeway, Inc. #1436 Remediation Project

This letter is written in response to your submittal and request for review of the Transmittal of Voluntary Cleanup Program Documentation for the Safeway, Inc. #1436, located at 7201 East Portland Avenue, Tacoma, Washington. You asked how you could achieve closure and receive a "no further action" (NFA) letter for the facility.

It is Ecology's understanding that you have characterized the contamination of the soils on this site.

Under the voluntary cleanup program (VCP), you may have the following option available that could lead to an NFA:

1. If the remaining contamination is adjacent to or beneath a building or paved surface, or/and is inaccessible, a deed restriction or restrictive covenant may be placed on the property to address the remaining soil and potential groundwater contamination. An NFA with a restrictive covenant can be issued for the soils. This restrictive covenant will also require monitoring the groundwater at the perimeter of the site. If the soils remain contaminated, they can be addressed when the buildings or paving is removed at some future date. The owner of the site is responsible for filing the restrictive covenant with the local county auditor's office. A copy of recorded restrictive covenant would be included with the NFA letter.
2. Monitor ground water on the perimeter of the site. Install groundwater monitoring well (s) to assess groundwater quality. If the groundwater is not impacted above the MTCA levels the groundwater restriction could be removed. Groundwater monitoring must



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demonstrate that:

- a) Contamination has not left the site;
 - b) Contamination is not spreading;
 - c) In order to remove the ground water restrictive covenant it must be shown that concentrations of pollutants remain below the applicable MTCA levels for four consecutive quarters, throughout the site.
3. The restrictive covenant for the groundwater may not be necessary, if you demonstrate that the groundwater depth at the site's location is protective of ground water quality. You should also indicate what is the receptor for the groundwater at this location. Geological conditions may also play a role and they should be described.

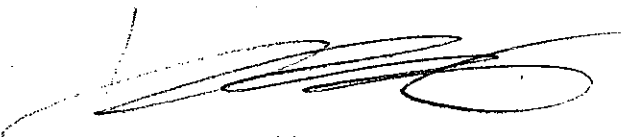
Please note that because your actions were not, or will not be conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

The opinions presented by Ecology in this letter are made with respect to the information provided in the above quoted document and the previously submitted documentation. This opinion is only applicable to the specified site (or portion of the site) and may not be used to justify action at any other site (or portion of the site) nor any other properties owned or operated by Safeway, Inc.

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

If you have any questions about any of the information presented in this letter, please contact me at (360) 407-6363.

Sincerely,



Marcel Szyszkowski, PE
Toxics Cleanup Program
Southwest Regional Office

MS:as

Enclosure: Restrictive Covenant BoilerPlate

cc: Sherrie Minnick, Ecology
Chuck Cline, Ecology SWRO-TCP