

File



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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June 28, 2006

SEAN W DONNAN
ZIPPER ZEMAN ASSOCIATES INC
18905 33rd AVE WEST #117
LYNNWOOD WA 98036

**Re: Partial Sufficiency and Further Action Determination under
WAC 173-340-515(5) for the following Hazardous Waste Site:**

- Site Name: SAM'S CLUB PROJECT WAL-MART STORES (FORMER PSE)
- Site Address: 915 S GRADY WAY RENTON WA 98055
- Facility Site No.: 47918484
- VCP No.: NW1029 (NW0429, NW0570, NW0103)

Dear: MR DONNAN:

Thank you for submitting your independent remedial action report for the SAM'S CLUB PROJECT WAL-MART STORES (FORMER PSE) facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. 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). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. June 28, 2006 Notification of Pending Inactive Determination Status for the following Hazardous Waste Site enrolled in the Voluntary Cleanup Program by Ecology

2. December 6, 2004 Further Action Determination in Response to Sam's Club's Request on NFA Status/Wetland Investigation/Remediation by Ecology
3. Summary Report Environmental Construction Activities SAM'S CLUB STORE NO. 4835 BY ZIPPER ZEMAN ASSOCIATES INC OF MARCH 21, 2005. PROJECT NO. J-1470-10

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

The Site is defined by the extent of contamination caused by the following release(s):

- TPH diesel, oil, CPAH, Arsenic and PCB in Soil and Groundwater

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) performed at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s):**

- TPH diesel, oil, and PCB in Soil and Groundwater
- CPAH in the groundwater
- Arsenic in the soil

However, the independent remedial action(s) performed at the Site are not sufficient to meet MTCA's substantive requirements for characterizing and addressing the following release(s):

- CPAH in the soil
- Arsenic in the groundwater

Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at this Site under MTCA.

Further action is required at this site for the following reasons:

- Off property impacts of CPAH above the state standards in the soil south of the

site in the wetland area.

- Arsenic in the groundwater above the state standards

This letter replaces Ecology's Interim NFA determination of February 2, 2000 issued to Parcel 1 and Ecology's Interim NFA determinations of February 3, 2000 issued to Parcels 2 and 3.

Ecology's Interim NFA determinations of 2/2/00 and 2/3/00 issued to this site are hereby rescinded while you conduct the necessary additional and final cleanup at this site to address the MTCA substantive requirements for the CPAH soil impacts at the wetland off the property limits and Arsenic in groundwater at the SITE.

RESTRICTIVE COVENANT NO 20000125001283: You may petition Ecology at a future date to amend the accompanying Restrictive Covenant filed at this site if the additional cleanup action planned for this site conflicts with any of the prohibitions contained in the restrictive covenant. Ecology will need enough advance notice of your need to modify the Restrictive Covenant to provide for public notice and comment, as required by WAC 173-340-440. Please do not delay in contacting Ecology if you need to modify the existing Restrictive Covenant on your property. Please, also note, that you are responsible for satisfying the requirements of WAC 173-340-440(10) regarding notifying the local government of the status of the Restrictive Covenant. Your site will be re-listed in the database of suspected and confirmed contaminated sites.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

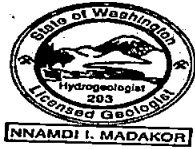
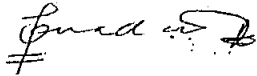
The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions you may reach me at 360-407-7244.

Sincerely

Identify & Terminate Inactive Sites
Partial Sufficiency & Further Action Determination
VCP ID# NW1029 (NW0429, NW373 & NW0570)
June 28, 2006
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Nnamdi Madakor, VCP Coordinator
HQ - Toxic Cleanup Program

cc: Mark Edens, NWRO VCP Unit Manager.
Dale Myers, NWRO Data Coordinator
Trish Akana, Ecology (NW1029: NW0429, NW0570 & NW0103)

nm:NM

Enclosure

NOTE: This opinion letter constitutes a new form letter under which Ecology will issue technical consultation and advice pursuant to WAC 173-340-515. This opinion letter changes certain terminology to more closely reflect MTCA and its implementing regulations. This opinion letter takes the place of, and is functionally equivalent to, the "interim" or "conditional" No Further Action (NFA) letters issued by Ecology in the past.

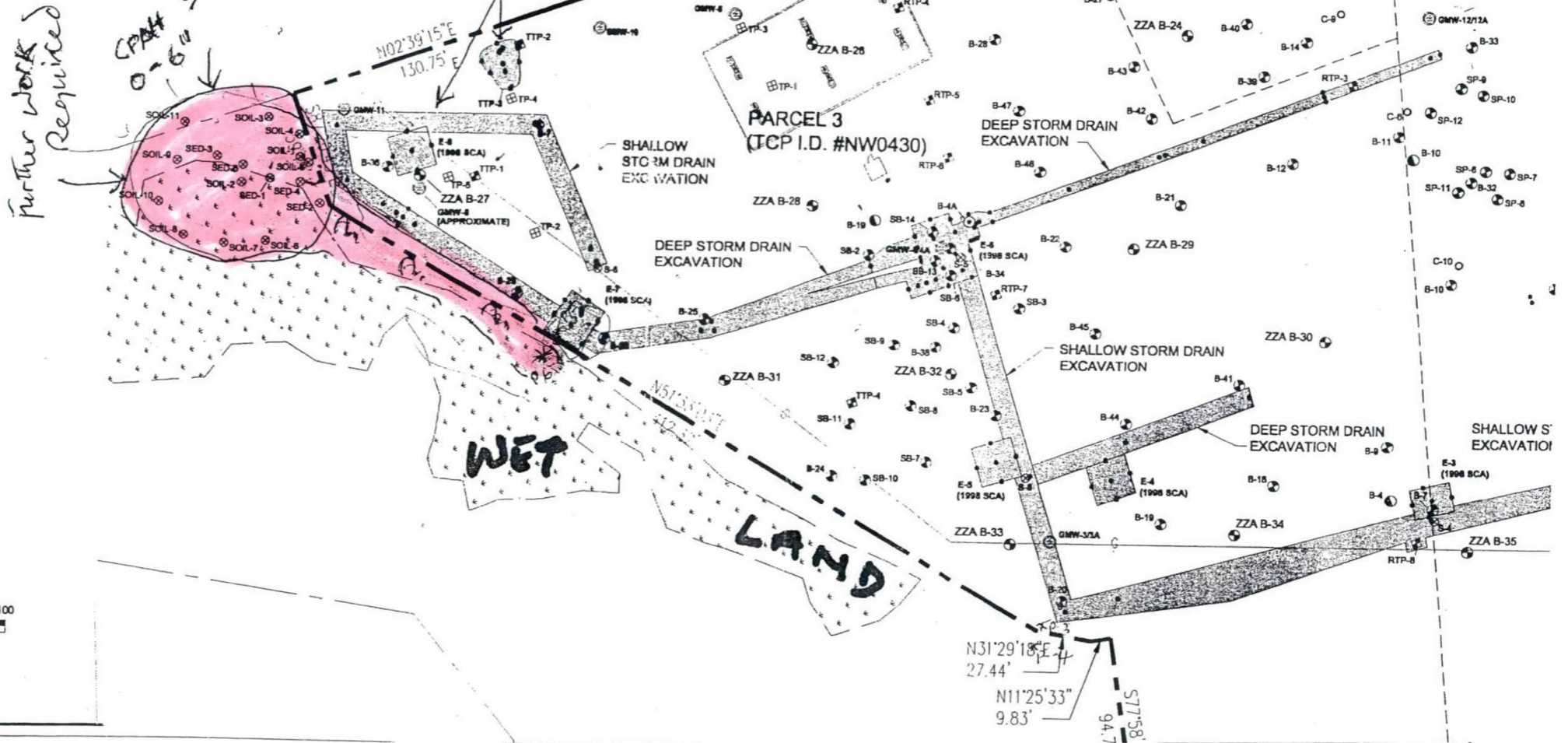
(1999 SSCRA)
 TEST PIT
 (1999 SSCRA)
 DIRECT PUSH EXPLORATION
 (1999 SSCSCR)
 - APPROXIMATE TCP PARCEL
 BOUNDARY LINE

Further work Required

CPA# > 1 mg/kg

CPA# 0-6" > 1 mg/kg

CPA# Excavation Completed



INC.
 NTAL
 CTOF
 THE
 SUR
 INATI 117
 36
 EPAF 549

PREPARED FOR
 PACLAND

RENTON SAM'S CLUB
 RENTON, WASHINGTON

FIG 1

EXPLORATION LOCATIONS

1 OF 8

DATE:

ZIPPER ZEMAN ASSOCIATES, INC.

PREPARED FOR