



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

June 12, 2006

SCOTT DWYER
KLEINFELDER INC
2405 140TH AVE NE STE A101
BELLEVUE WA 98005

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

- Site Name: BOTHELL LANDING
- Site Address: 10001 WOODINVILLE DUVALL RD BOTHEL WA
- Facility/Site No.: 73975762
- VCP No.: NW0602

DEAR MR DWYER:

Thank you for submitting your independent remedial action report for the BOTHELL LANDING 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. April 10, 2006 Notification of Pending Inactive Determination Status for the following Hazardous Waste Site enrolled in the Voluntary Cleanup Program by Ecology

Identify & Terminate Inactive Sites
Further Action Determination
VCP- BOTHELL LANDING TCP ID# NW0602
June 12, 2006

2. June 12, 2006 Determination Status for the following Hazardous Waste Site enrolled in the Voluntary Cleanup Program by Ecology
3. 2004 & 2005 Groundwater Sampling Reports by KLEINFELDER

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, Gasoline and BTEX in the Soil;
- TPH Oil, Gasoline and BTEX in the 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 not 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 any of the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **further remedial action is necessary** at the Site under MTCA.

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

- TPH Oil, Gasoline and BTEX in the Groundwater
- Lack of active cleanup activity in the past 12 months.

Ecology's Interim NFA of 01/01/02 issued to this site is hereby rescinded while you conduct the necessary additional and final cleanup at this site to address the MTCA substantive requirements for the TPH Oil, Gasoline and BTEX in groundwater.

Ecology will re-consider an NFA determination at this site at a future date when the analytical groundwater results for TPH Gasoline, Oil, and BTEX are below the state standards for four consecutive quarters. Four consecutive quarters are needed to evaluate the seasonal impacts on the fate and transport of any TPH Oil, Gasoline and BTEX residual left behind as a result of the cleanup action at the site.

You may petition Ecology at a future date to amend the accompanying Restrictive Covenant filed at this site if the additional cleanup action for this site conflicts with any of the prohibitions contained in the restrictive covenant. Ecology will need enough advance notice of your need to

Identify & Terminate Inactive Sites
Further Action Determination
VCP- BOTHELL LANDING TCP ID# NW0602
June 12, 2006

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 performed at the Site meet those requirements.

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

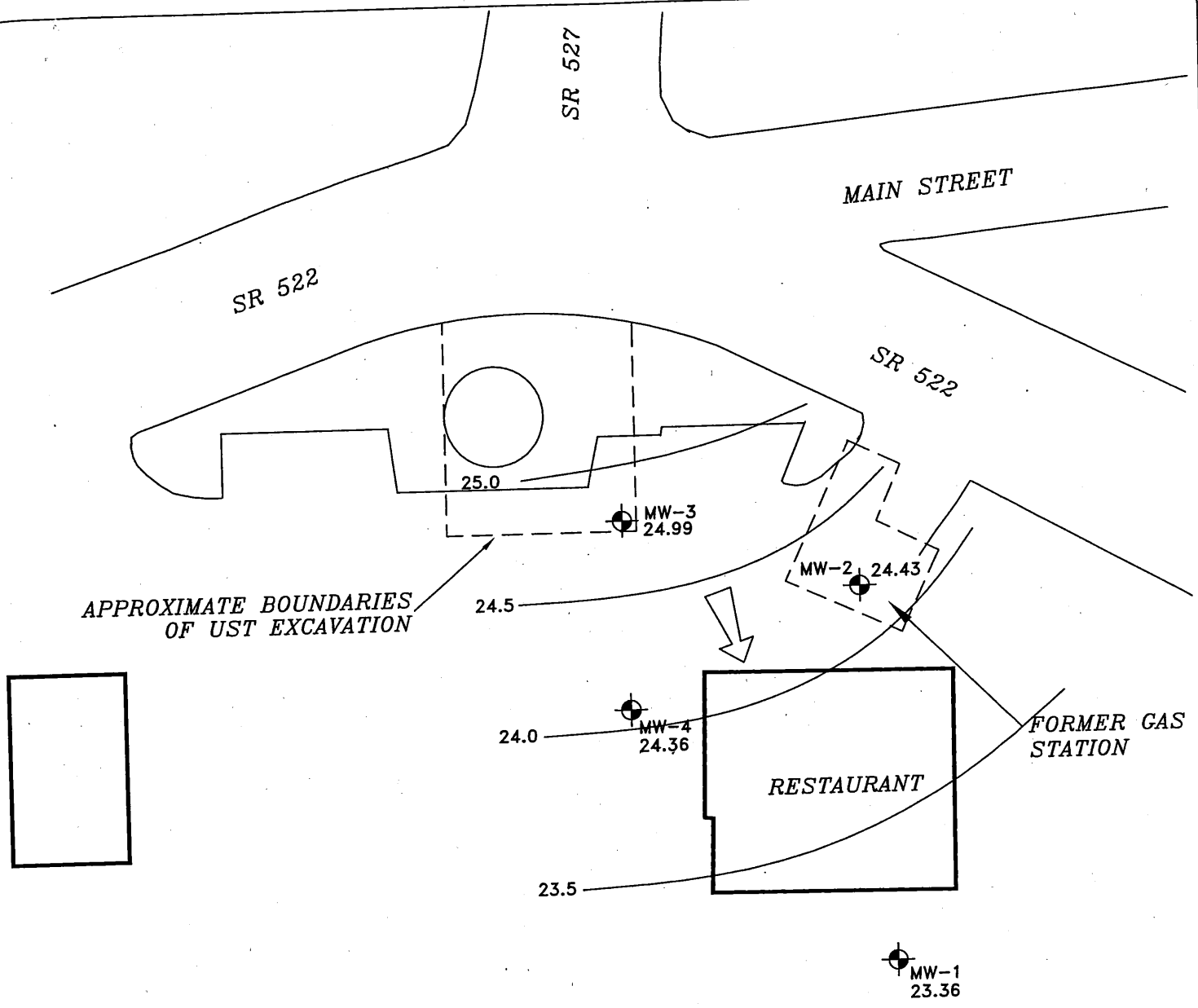
Sincerely



Nnamdi Madakor, VCP Coordinator
HQ - Toxic Cleanup Program

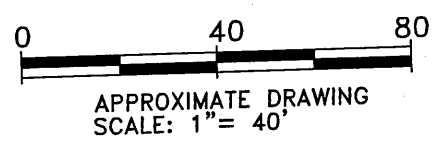
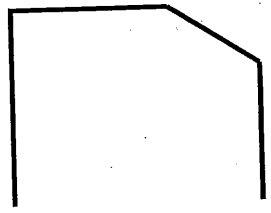
cc: Mark Edens, NWRO VCP Unit Manager.
Dale Myers, NWRO Data Coordinator
Trish Akana, Ecology (NW0602)

NM:nm



LEGEND

- GROUNDWATER FLOW DIRECTION
- WATER ONLY
- GROUNDWATER MONITOR WELL WELL AND DESIGNATION
- RELATIVE GROUNDWATER ELEVATIONS IN FEET (BASED ON MEASUREMENTS ON 3/15/99).
- INTERPRETED GROUNDWATER CONTOURS WITH RELATIVE ELEVATIONS IN FEET



BOTHELL LANDING SHOPPING PLAZA
 BOTHELL, WASHINGTON
 Project: 24243
 FEBRUARY 2004

SITE MAP AND GROUNDWATER
 MONITORING LOCATIONS

FIGURE
2