



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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December 6, 2004

Mr. Sean W. Donnan, P.G., Associate  
Zipper Zeman Associates, Inc.  
18905 33<sup>rd</sup> Ave West #117  
Lynnwood, WA 98036

Dear Mr. Donnan:

Re: **Further Action Determination in Response to Sam's Club's Request** on NFA Status/Wetland Investigation/Remediation, VCP, Wal-Mart Stores, Former Puget Sound Energy – Grady Way Complex, 915 South Grady Way (Former Parcels 1, 2, and 3 also Known as 620 South Grady Way) Renton, WA. 98055. TCP I.D. #NW1029.

The Department of Ecology (Ecology) would like to thank you for submitting the results of the your wetland investigation results and your request for Ecology's review and opinion as to whether further action is required at the Proposed Wal-Mart Site (Site) in Renton, WA under the Model Toxics Control Act (MTCA). Ecology appreciates your initiative in pursuing a voluntary cleanup under Ecology's Voluntary Cleanup Program (VCP).

Ecology has reviewed the following information regarding the Sam's Wal-Mart Site, Former Puget Sound Energy – Grady Way Complex, 915 South Grady Way (Parcels 1, 2, and 3 also Known as 620 South Grady Way) Renton, WA. 98055:

1. NFA Status/Wetland Investigation Wetland Remediation Renton WA by ZZA (Sean Donnan) to Ecology (Nnamdi Madakor) of October 25, 2004.
2. Fig 1. Prepared for PACLAND – ZZA Project No. J-1470-04 of March 5, 2003 Exploration Locations Showing Excavated Areas and where further Work is Required at the Site Used in a meeting between Ecology, Former PSE, ZZA, PACKLAND and SAM is Fall 2003 to discuss the preliminary results of the wetland investigation results and conditions for the NFA determination.

At this time, based upon the information listed above, Ecology has determined that further action is required at this Site. Information relevant to Site conditions and confirmed by

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the recent wetland investigation indicates that contamination of wetlands on the Sam's Club property and the property adjacent to the Sam's Club property exists, as shown in the enclosed Figure 1.

Despite Ecology having provided oversight to Sam's Club showing the extent of the Site that requires further remediation in the fall of 2003, and as shown in the enclosed figure 1, Sam's Club continues to assert it need not address associated contamination on adjacent property. However, Sam's Club must fully characterize and address the contamination at this Site in order for Ecology to provide an opinion that the remedial activities undertaken meet MTCA's substantive requirements and that no further action is necessary at the Site, pursuant to WAC 173-340-515. MTCA defines a "site" broadly as the area where a hazardous substance has come to be located, and consequently the Site here spans both Sam's Club property and the property adjacent to it that is also impacted by contamination.

In order to proceed in VCP, Sam's Club will need to characterize and address contamination at the Site as a whole, including the contaminated wetland areas on adjacent property. As the VCP applicant, Sam's Club is therefore responsible for coordinating with the adjacent property owner on remedial actions necessary at the Site, as necessary to address the contamination at the Site and move forward with its VCP application. Ecology cannot require the adjacent property owner to perform remedial actions at a Site which is proceeding through the VCP process, although Ecology always maintains the authority to assert formal oversight at any point in time and to therefore require that remedial activities be conducted under an Agreed Order or other administrative mechanism.

In order to proceed in VCP, Sam's Club will also need to ensure that its development and mitigation activities do not interfere with the adequate characterization and remediation of contamination at the Site. If Sam's Club does not provide Ecology with sufficient information to show that contamination at the Site has been adequately characterized and addressed, Ecology cannot issue a No Further Action (NFA) determination, the Site will remain in the database of contaminated sites, and the Site may be ranked at a future date for a formal site consideration and oversight.

Ecology is willing to consider a renewed request for an NFA determination, if Sam's Club submits further information to aid Ecology in determining that contamination at the Site has been adequately characterized and addressed. At a minimum, and as discussed with SAM'S representative and Ecology in the fall of 2003, this further information would need to include:

1. Wetland Mitigation Plan as discussed with Ecology (Sara Suggs Former Wetland Specialist)
2. Final Closure and Post Construction Report detailing where residual contaminated soils/groundwater remained at the Site for RC and groundwater compliance monitoring and contingency considerations.

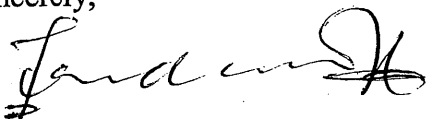
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This letter is not a settlement by the state under RCW 70.105D.040(4) and is not binding on the agency. Further action could still be required at your Site regardless of how strictly you follow Ecology's advice. The opinions presented by Ecology in this letter are made only with respect to the information provided in the report and document(s) listed above.

This opinion is only applicable to the specified Site in question. 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.

If you have any questions regarding this letter, please contact me at (360) 407-7244.

Sincerely,



Nnamdi Madakor, P.G., P.Hg.  
Headquarters VCP Policy & Technical Manager  
Toxics Cleanup Program, HQ

cc: Joe Hickey, VCP Coordinator, TCP/NWRO  
Richard Robohm, SEA (Wetland Specialist) NWRO  
Kristie Carevich, AAG, Ecology Division

NM: nm

Enclosure