



File

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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April 6, 2004

Tanya Barnett, Attorney
Brown Reavis & Manning PLLC
Attorneys at Law
606 Columbia Street NW
Suite 212
Olympia WA 98501

Dear Ms. Barnett:

Re: Voluntary Cleanup Program, NFA Determination Former Forest Park
Cleaners, 17171 Bothell Way N.E. Lake Forest Park, WA 98155. TCP I.D.
#NW0167.

Thank you for submitting the results of independent remedial actions performed by the owner of the property described above, Seattle LFP Associates, L.P., for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates the property owner's 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 Forest Park Cleaners, 17171 Bothell Way N.E., Lake Forest Park, WA 98155:

1. Interim Report Voluntary Cleanup Action, VCP, Former Forest Park Cleaners, 17171 Bothell Way N.E., Lake Forest Park, WA 98155, by Dames and Moore, December 9, 1999.
2. Work Plan – Additional Groundwater Remediation & Confirmational Soil Sampling, VCP, Former Forest Park Cleaners, 17171 Bothell Way N.E., Lake Forest Park, WA 98155, by Dames & Moore, April 5, 2000.
3. Ecology issued a No Further Action Determination Letter regarding the remediation of soil on July 31, 2000.
4. Summary Report Quarterly Confirmation Groundwater Monitoring, VCP, Former Forest Park Cleaners, 17171 Bothell Way N.E., Lake Forest Park, WA 98155, by URS Corporation, August 2, 2001.



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5. Confirmation Monitoring and Groundwater Use Assessment Report, VCP Former Forest Park Cleaners, 17171 Bothell Way N.E., Lake Forest Park, WA 98155, by URS Corporation, June 21, 2002.
6. Letter from Brown Reavis & Manning to Ecology (Nnamdi Madakor) dated November 13, 2002, including attachments.
7. Letter from Ecology (Nnamdi Madakor) to Brown Reavis & Manning dated December 2, 2002.
8. Final Post Remedial Monitoring Plan, Former Forest Park Cleaners, by URS Corporation, December 23, 2002.
9. Amendments to Final Post Remedial Monitoring Plan, Former Forest Park Cleaners, by URS Corporation, February 13, 2003.
10. Letter Report Final Post Remedial Monitoring, Indoor Air sampling and First Quarter of 2003 Groundwater Monitoring Data from URS to Ecology, May 8, 2003
11. Letter Report (email) from Ecology (Nnamdi Madakor) to Former Forest Park Cleaners, Indoor Air Sampling, Groundwater, NFA, and RC. August 20, 2003
12. Confirmational Monitoring Results July 2003 (transmittal from URS to Ecology August 2003)
13. Long-Term Confirmational Groundwater Monitoring Plan and Summary of 2003 Confirmational Sampling Results, Former Forest Park Cleaners, 17171 Bothell Way N.E., Lake Forest Park, WA 98155 by URS Corporation, January 6, 2004.
14. Letter from Ecology to Former Forest Park Cleaners, Approval of the Long-Term Confirmation Groundwater Monitoring Plan, January 14, 2004.
15. Letter from the City of Lake Forest Park of February 6, 2004 to Tanya Barnett (Brown Reavis & Manning Attorneys at Law) concerning the Draft Restrictive Covenant.
16. Letter from Brown Reavis & Manning Attorneys at Law of February 26, 2004 to the City of Lake Forest Park concerning the Draft Restrictive Covenant

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17. Restrictive Covenant No. 20040302001196 of March 2, 2004 King County
Lake Forest Park Associates.

The above-listed reports 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 above-listed information Ecology has determined that, at this time, the release of PCE and its daughter product, vinyl chloride (VC), into the groundwater no longer poses a threat to human health or the environment. Following treatment as described in the above-listed reports, the residual VC is now confined in the southern corner of the site as noted in monitoring well FPC-9S.

Ecology has also reviewed the results of indoor air samples presented in the URS report dated May 8, 2003. The results show that the indoor air release of PCE and its daughter products, 1,1-DEC, VC and TEC no longer poses a threat to human health or the environment. Therefore, subject to the reservation of rights below, no additional actions are needed with regard to the indoor air pathway. .

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 these actions were not 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.

Because residual VC concentrations exceeding MTCA Method A groundwater cleanup levels are present at the southern corner of the site as noted in monitoring well FPC-9S, a restrictive covenant is needed to ensure continued protection of human health and the environment. The property owner may remove the restrictive covenant if Ecology concurs, after notice and opportunity for comment.

In addition, this No Further Action determination is contingent on completion of the approved confirmational groundwater monitoring as described in the attached Long-Term Confirmational Groundwater Monitoring Plan.

Four consecutive quarterly sampling results below the state cleanup levels are needed as a condition to terminate this long term compliance monitoring. However, Forest Park may petition Ecology for either reduced sampling frequency or to terminate monitoring before the termination date specified in the Long Term Monitoring Plan if the sampling results show decreasing concentration trends or meets the cleanup levels referenced above sooner than the target sampling duration.

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Additionally, in the event that the monitoring data shows increasing concentrations of VC or other PCE daughter by products exceeding state cleanup levels indicating renewed plume movement and which pose a threat to human health or the environment, Ecology may require a contingency plan to be developed and implemented within 30 days of making such contingency determination to ensure the continued protection of the human health and the environment.

In addition, Seattle LFP Associates, L.P. must record the Restrictive Covenant as a condition to maintain Ecology's No Further Action determination. The Restrictive Covenant No. 20040302001196 dated March 2, 2004 is attached to this letter as Attachment A. Ecology's No Further Action determination automatically terminates and will have no force and effect if the owner violates any portions of the Restrictive Covenant or fails to conduct the approved groundwater compliance monitoring plan.

Ecology's No Further Action determination is made only with respect to the release of PCE and daughter products, including VC, to the environment at the site identified in the independent remedial action reports dated from December 9, 1999, through January 6, 2004. This No Further Action determination applies only to the area of the site affected by the release identified in the above-described reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Seattle LFP Associates, L.P. This No Further Action determination does not apply to any future remedial actions determined necessary as a result of confirmational groundwater monitoring.

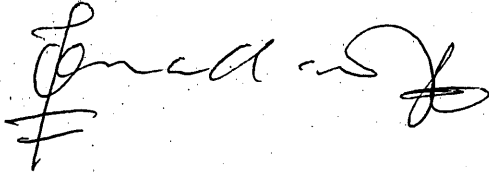
Ecology will update its Confirmed and Suspected Contaminated Site database to reflect this "No Further Action" determination. Your site will not appear in future publications.

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. 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.

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

Sincerely,



Nnamdi Madakor P.G., P.HG
Headquarters VCP Policy and Technical Manager
Toxics Cleanup Program

NM: nm

cc: Joe Hickey, VCP Coordinator & Brownfield TCP- NWRO

Ty Peterson
City of Lake Forest Park
Planning Department
17425 Ballinger Way NE
Lake Forest Park, WA 98155

Enclosure: Restrictive Covenant/Map of site