



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000



September 14, 2005

Mr. Peter Benson  
10535 Valmay Avenue NW  
Seattle WA 98177

Dear Mr. Peter Benson

Re: Independent Remedial Action  
Kent Mini Mart, 24526 Military Rd. (36<sup>th</sup> Avenue) South, Kent WA 98032

Thank you for submitting the results of your independent remedial action for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your 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 Kent Mini Mart located at 24526 Military Rd. (36<sup>th</sup> Avenue) South, Kent WA 98032. VCP ID# NW1479

1. Phase I Environmental Assessment, Kent Stores Property, 24602 Military Road South, Kent Washington. Environmental Associates, Inc.,  
Dated February 23, 2005.
2. Phase I Environmental Assessment, Kent Mini Mart Property, 24526 Military Road South, Kent Washington. Environmental Associates, Inc.,  
Dated February 24, 2005.
3. UST Site Assessment and Preliminary Subsurface Sampling & Testing, Kent Mini Mart & Kent Stores Properties, 24526 & 24602 Military Road South, Kent, Washington. Environmental Associates, Inc. Dated May 6, 2005.
4. Supplemental Subsurface Sampling & Testing. Kent Mini Mart Property, 24526 Military Road South, Kent Washington. Environmental Associates, Inc.,  
Dated June 3, 2005.



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5. Contaminated Soil Excavation. Kent Mini Mart Property, 24526 Military Road South, Kent Washington. Environmental Associates, Inc. Dated July 7, 2005.

The report(s) listed above 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 or -7239.

Based upon the information in the report(s) listed above, Ecology has determined that, at this time, the release of petroleum hydrocarbon contaminants into the soil no longer poses a threat to human health or the environment. Ecology has also determined that groundwater was not impacted.

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 your 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.

In addition, the Restrictive Covenant filed on your property dated August 3 2005, is a condition to maintain Ecology's no further action determination. The Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated. WAC 173-340-440(10) requires you to notify and seek comment from a city or county department with land use planning authority for real property subject to the Restrictive Covenant.

Ecology's no further action determination is made only with respect to the release identified in the report(s) listed above. This no further action determination applies only to the area of the property affected by the release identified in the report(s) at 24526 Military Rd. (36<sup>th</sup> Avenue) South, Kent WA 98032. 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 Mrs. Mary Benson.

Ecology will update its database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report).

Additionally, Ecology will update its Leaking Underground Storage Tank database to reflect this "No Further Action" determination. Your site will not appear in future publications of the LUST database.

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

Please contact me at (425) 649-4446 or [damy461@ecy.wa.gov](mailto:damy461@ecy.wa.gov) if you have any questions regarding the process or the Restrictive Covenant.

Sincerely,



Dale Myers  
Department of Ecology  
Voluntary Cleanup Program Administrator  
Northwest Regional Office  
Phone (425) 649-4446  
Email [damy461@ecy.wa.gov](mailto:damy461@ecy.wa.gov)

Enclosure

cc: Mr. Dick Greiling

DM: lg