



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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February 5, 2007

DALE WALKER
WALKER SUBARU
720 RAINIER AVE S
RENTON WA 98055

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

- Site Name: WALKER RENTON SUBARU USED CARS
- Site Address: 205 RAINIER AVE S RENTON WA
- Facility/Site No.: ECOLOGY ID: 19684856
- VCP No.: NW0420

DEAR MR WALKER:

Thank you for submitting additional documents regarding your independent remedial action report for the WALKER RENTON SUBARU USED CARS 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. Site Status Letter of 2/2/07 by ADAPT
2. Notification of Pending Inactive Determination by Ecology of 11/15/06
3. Intent to Make an NFA Determination by Ecology of 6/27/00
4. Draft boiler plate Copy of the Restrictive covenant to be filed with the auditor's office.

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 into the Soil.

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:

- Ecology has not made an NFA determination on this site: Please use the legal description that you sent to Ecology and file the Restrictive Covenant with the appropriate auditor's office.
- Residual TPH contaminated soil above the MTCA cleanup levels remained at the southwest location of the former service island.
- Send to Ecology a notarized copy of the Restrictive Covenant once it has been recorded. Copies must be legible and the recording number must be evident.
- Send to Ecology a copy of the correspondence to, and the response on the Restrictive Covenant from, the department with land use planning authority for the real property subject to the Restrictive Covenant

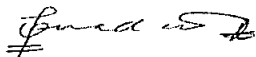
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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: Joe Hickey, NWRO Acting VCP Unit Manager.
Dale Myers, NWRO Data Coordinator
Trish Akana, Ecology (NW0420)

NM:nm

Enclosure.