



NW1016

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 9, 2004

Mr. Ben Ives
Industrial Properties, Inc.
P.O. Box 1716
Auburn, WA 98071-1716

Dear Mr. Ives:

Re: Independent Remedial Action
Industrial Properties, Inc., 2450 Sixth Avenue South, Seattle, WA

Thank you for submitting the results of your independent remedial actions 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 Industrial Properties, Inc. located at 2450 Sixth Avenue South, Seattle, WA:

1. "Underground Storage Tank Closure Report Industrial and Transfer and Storage Co. Inc." by O'Sullivan Omega dated June 13, 1994
2. "Phase I Environmental Site Assessment, Industrial Transfer Warehouse and Storage Yard" by Clayton Group Services dated September 2001
3. "Subsurface Release Investigation Report – Industrial Properties Inc." by Clayton Group Services dated February 2003
4. "Interim Free Product Recover – Industrial Properties Inc." by Clayton Group Services dated February 2003
5. "Underground Storage (UST) Closure and Site Assessment – Industrial Properties Inc." by Clayton Group Services dated April 2003
6. "Site Remediation Feasibility Study – Industrial Properties Inc." by Clayton Group Services dated June 2003
7. "Sampling and Analysis Plan for the Removal of One Underground Storage Tank and the Characterization of Groundwater Quality– Industrial Properties Inc." by Clayton Group



Industrial Properties, Inc.

Page 2

Services dated December 2003

8. "Sampling and Analysis Plan for the Removal of Two Underground Storage Tanks – Industrial Properties Inc." by Clayton Group Services dated March 2004
9. "Underground Storage (UST) Removal and Site Assessment – Industrial Properties Inc." by Clayton Group Services dated May 2004

The reports 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 Central Records at the NWRO at (425) 649-7190 or -7239.

Based upon the information in the reports listed above, Ecology has determined that, at this time, the release of petroleum product into the soil and groundwater no longer poses a threat to human health or the environment.

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. Furthermore, you must conduct the necessary monitoring and maintenance to assure that this site does not pose a threat to human health or the environment. Ecology agrees with the proposed semi-annually, two year period groundwater monitoring plan. Failure to conduct necessary monitoring and maintenance results in the automatic withdrawal of Ecology's no further action determination.

In addition, the Restrictive Covenant filed on your property dated August 26, 2004, 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(6) 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 reports listed above. This no further action determination applies only to the area of the property affected by the release identified in the report at 2450 Sixth Avenue South, Seattle, WA. 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 Industrial Properties Inc. This no further action determination does not apply to remedial actions determined necessary as a result of confirmational monitoring

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.

The state, Ecology, and its officers and employees are immune from all liability and no


Industrial Properties, Inc.

Page 3

cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact Sunny Linhao Becker at (425) 649-7187.

Sincerely,

A handwritten signature in black ink, appearing to read "Sunny Becker", with a long horizontal flourish extending to the right.

Sunny Linhao Becker, P.E.
Toxics Cleanup Program

Attachment A, Restrictive Covenant