



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 9, 2007

Ms. Peggy Williamson
Fulcrum Environmental Consulting, Inc.
222 N 2nd Street, Suite A
Yakima, WA 98901-2361

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

- Name: Hilltop Apartments Development Site
- Address: 1509 South Mission Street
- Facility/Site No.: 5823960
- VCP No.: CE0244

Dear Ms. Williamson

Thank you for submitting your independent remedial action report for the Hilltop Apartments Site (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. Hilltop Apartments Site Remedial Actions Summary, Fulcrum Environmental Consulting, Inc., September 17, 2007.



The documents listed above will be kept in the Central Files of the Central Regional Office (CRO) of Ecology for review by appointment only. Appointments can be made by calling the CRO resource contact at (509) 454-7658.

The Site is defined by the extent of contamination caused by the following release(s):

- Lead in Soil
- Arsenic in Soil.

The Site is comprised of three lots which are labeled Lot 1, Lot 2 and Lot 4. 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 Lot 1 of the Site are 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 the following release(s):**

- Lead in Soil
- Arsenic in Soil.

The following items need to be addressed before the site is eligible for a No Further Action letter.

1. Remedial actions need to be completed for Lots 2 and 4.
2. Section 8.1 of the submitted Remedial Action Summary states that, 'Native soil containing residual agricultural chemicals above the remedial threshold has been covered with impermeable parking, sidewalk, or building footprint areas; or has been capped with 6-inches of topsoil and an additional 2- to 3-inches of sod or in select locations landscaping fabric covered with approximately 3 inches of gravel.' No description or graphic indicating the quantity or location of these various covers is provided.
3. An Environmental Covenant needs to be in place for the Site if it is to receive a No Further Action letter. A No Further Action letter cannot be issued for a portion of the Site. When contamination has been addressed for the entire property described in the initial VCP application, an Environmental Covenant should be prepared and submitted to Ecology. Ecology will then present the Covenant to the local planning agency for comment before signing and returning the document. At that point, the Covenant should be filed, and a copy returned to Ecology.

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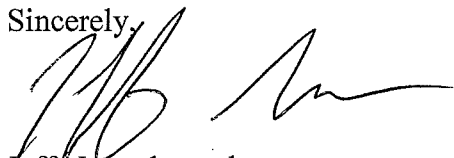
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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 conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (509) 454-7842

Sincerely,



Jeff Newschwander
Site Manager
Toxics Cleanup Program - CRO

Enclosure