



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 3, 2002

Mr. Milford G. Roberts, Sr.
Route 3, Box 348B
Texarkana TX 75503

Dear Mr. Roberts:

Thank you for submitting the results of your independent remedial action(s) 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 Lithia Dodge (formerly Tri-City AutoMall) facility located at 7171 Canal Drive, Kennewick, Washington:

1. Correspondence File, documents dated from December, 1996 through October 2, 2002.
2. Progress Reports numbered 4, 5, 6, 7, 8, and 9 (covering the most recent active vapor extraction period from May 16, 1998 through January 14, 2000).

The above listed reports 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, Mr. Roger Johnson, at (509) 454-7658.

Based upon the above listed information Ecology has determined that, at this time, the release of petroleum 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.

Ecology's no further action determination is made only with respect to the release identified in the independent remedial action report(s) as well as the most recent Voluntary Cleanup Program reports dated from December 1996 to the present. This no further action

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determination applies only to the area of the property affected by the release identified in the report at 7171 Canal Drive, Kennewick, Washington. 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 Lorne D. Bangert, Sr. and Joyce L. Bangert.

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.)

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.

If you have any questions, please contact me at (509) 454-7840.

Sincerely,



Antonio Valero
Site Manager
Toxics Cleanup Program

cc: Richard Leavitt
Lorne & Joyce Bangert