



FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

September 29, 1998

Mr. Richard P. Buono  
Pacific Realty Associates, L.P.  
15350 SW Sequoia Pkwy., Suite 300  
Portland, Oregon 97224

Dear Mr. Buono:

RE: IRAP Completed/No Further Action (NFA) Determination given; former  
Associated Grocers Facility located at 1001 S. Third Street, Yakima, 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 PacTrust facility located at 1001 S. Third Street in Yakima, Washington.

- (1) Pacific Realty Associates Restrictive Covenant; Fidelity Title Company; dated September 11, 1998.
- (2) PacTrust No Further Action – 1001 S. Third Street, Yakima; PacTrust Realty Associates; dated September 8, 1998.
- (3) Independent Remedial Action Site Closure Request; Wiitala Property Management Company; dated August 26, 1998.
- (4) Update on (construction) Schedule; Wiitala Property Management Company; dated July 15, 1998.
- (5) Standard Restrictive Covenant; PacTrust Realty Associates; dated June 17, 1998.
- (6) Proposed Standard Restrictive Covenant; PacTrust Realty Associates; dated June 5, 1998.
- (7) Boundary Survey Map; PLSA; dated May 1, 1998.

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- (8) Independent Remedial Action Data Gap Submittal; Hahn & Associates; dated April 29, 1998.
- (9) Independent Remedial Action Site Closure Request; Wiitala Property Management Company; dated April 21, 1998.
- (10) Proposed Restrictive Covenant for Independent Remedial Action; Stoel Rives, Attorneys; dated March 23, 1998.
- (11) Supplemental Subsurface Investigation and Groundwater Monitoring; Hahn & Associates; dated November 13, 1997.
- (12) Groundwater Monitoring Report, Hahn & Associates; dated March 13, 1997.
- (13) Subsurface Investigation and Groundwater Monitoring Report, Hahn & Associates; dated November 25, 1996.
- (14) Additional Dry Well Decommissioning and Soil Removal Activities Report, Hahn & Associates; dated August 26, 1996.
- (15) Dry Well Decommissioning and Soil Removal Activities, Hahn & Associates; dated March 1, 1996.

The above listed reports and other information concerning the facility will be kept in the Central Files of Ecology's Central Regional Office (CRO) in Yakima. It may be viewed by appointment only. Appointments to view this material can be made by calling the CRO public information contact at (509) 454-7658.

Based on an analysis of the listed information above, Ecology has determined that, at this time, the release of petroleum hydrocarbons into the soil and groundwater has been addressed by various remedial actions and 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.

In addition, the Restrictive Covenant filed on your property dated September 11, 1998, is a condition to maintain Ecology's no further action determination. A copy of Fidelity Title Company's Restrictive Covenant is attached to this letter as Attachment A. Ecology's no further

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action determination will automatically terminate and will have no force and effect if any portion of the Restrictive Covenant is violated.

Ecology's no further action determination is made only with respect to the release identified in the independent remedial action reports identified above. This no further action determination applies only to the area of the property affected by the release identified in the reports above at 1001 South Third Street in Yakima, 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 PacTrust Realty Associates.

This site will be added to Ecology's database with this "No Further Action" determination. Your site will not appear in future publications of the Confirmed and Suspected Contaminated Sites 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 Mark Peterschmidt at (509) 454-7840.

Sincerely,



Dick Bassett

Toxics Cleanup Program

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Enclosure

cc: Tom Wiitala, Wiitala Property Management Co., Portland  
Guy Tanz, Hahn & Associates, Portland  
Mark Peterschmidt, TCP/CRO