



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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March 14, 2007

BRETT L HUNTER
CHEVRON EMC
6001 BOLLINGER CANYON RD K-2252
SAN RAMON CA 94583

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

- Site Name: CHEVRON STA 9-2581 – BENENSON SHOPS AT FIRST STREET
- Site Address: 110 108TH AVE NE BELLEVUE WA
- Facility/Site No.: 50534232
- VCP No.: NW0344

DEAR MR HUNTER

Thank you for submitting your independent remedial action report for the CHEVRON STA 9-2581 – BENENSON SHOPS AT FIRST STREET 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. Notification of Pending Inactive Determination Status for the following Hazardous Waste Site enrolled in the VCP of 11/15/06
2. March 14, 2007 Determination Status for the following Hazardous Waste Site enrolled in the Voluntary Cleanup Program
3. Groundwater Modeling Results by FLOYD SNIDER of Jan 6, 2005
4. RI/FS Report by Kennedy/Jenks Consultants of Nov 1994/Revised July 1997

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):

- PCE and its daughter by products in the Soil and Groundwater

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:

- PCE and its daughter by products in the Soil and Groundwater remain above the MTCA cleanup levels at the site.
- Potential off property contaminated groundwater plume of PCE and its daughter by products in the Soil and Groundwater
- Delineate the lateral and vertical extent of the dissolved PCE and its daughter by products in the Soil and Groundwater at the 'SITE'
- Lack of active cleanup activity for the past 12 months.

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.

Identify & Terminate Inactive VCP Sites: CHEVRON STA 9-2581 – BENENSON SHOPS AT FIRST STREET
Further Action Required Determination
VCP ID# NW0344
March 14, 2007
Page 3 of 3

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 VCP Acting Unit Manager.
Sara Maser, NWRO Data Coordinator
Trish Akana, Ecology (NW0344)

nm:NM

Enclosure