



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

Jan 24, 2007

RICHARD SUTTERLIN
HOLERT FAMILY TRUST
317 EAST WASHINGTON STREET
SEQUIM WA 98382

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

- Name: Former: FORMER RECYCLE AMERICA FACILITY
- Address: 7901 1ST AVE SOUTH SEATTLE WA 98382
- Facility/Site No.: 95878752
- VCP No.: NW1261.

Dear Mr. Sutterlin:

Thank you for submitting your independent remedial action report for the FORMER RECYCLE AMERICA 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.

Mr. Richard Sutterlin
Partial Sufficiency and Further Action Determination
VCP-Former Recycle America Facility TCP ID# NW1261
Jan 24, 2007
Page 2

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. The Meeting Notes between Ecology and the representatives of the Holert Family Trust of April 25, 2005
2. Supplemental Investigation Report, Former Recycle America Facility Seattle WA by EPI of Dec 21, 2006. Project No. 47001.1

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):

- TPH diesel, oil, and gasoline in the soil and groundwater
- Metals associated with CKD (historic fill material on a regional scale): Arsenic, Mercury and Lead 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 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):

- TPH diesel, oil, and gasoline in the soil and groundwater.

However, the independent remedial action(s) performed at the Site are not sufficient to meet MTCA's substantive requirements for characterizing and addressing the following release(s):

- Metals associated with CKD (historic fill material on a regional scale): Arsenic, Mercury and Lead in the soil and groundwater

Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that further remedial action is necessary at this Site under MTCA for the metals associated with the CKD regionally filled material.

Ecology understands that you do not wish to conduct any additional cleanup to address the metal

Mr. Richard Sutterlin
Partial Sufficiency and Further Action Determination
VCP-Former Recycle America Facility TCP ID# NW1261
Jan 24, 2007
Page 3

impacts at this site associated with the regionally filled CDK material. Therefore, Ecology will proceed to close out this site from the VCP and another letter will be sent to you to that effect.

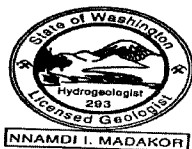
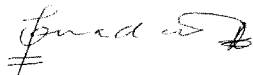
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

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 360-407-7244.

Sincerely,



Nnamdi Madakor P.Hg., P.G.
HQ VCP Policy & Technical Manager
Toxics Cleanup Program

NM: nm

Enclosure

Cc: Thomas Morin L.G. (Consultant- EPI)

NOTE: This opinion letter constitutes a new form letter under which Ecology will issue technical consultation and advice pursuant to WAC 173-340-515. This opinion letter changes certain terminology to more closely reflect MTCA and its implementing regulations. This opinion letter takes the place of, and is functionally equivalent to, the "interim" or "conditional" No Further Action (NFA) letters issued by Ecology in the past.