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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 25, 2003

Disclaimer Trust of John J. O'Connell
c/o Mr. Bob May, Trust Representative
18047 NE 99th Ct.
Redmond, WA 98052

Re: Former Industrial Petroleum Distributors site, Olympia, WA

Dear Mr. May:

Thank you for submitting the final quarterly ground water monitoring results in support of the subject independent remedial action for review by 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 submitted by **Associated Environmental Group, LLC**, regarding the former Industrial Petroleum Distributors facility located at 1117 West Bay Drive, Olympia, which is owned by the Disclaimer Trust of John J. O'Connell:

1. Final Cleanup Report, dated September 27, 2002;
2. Compliance Monitoring Plan, dated August 9, 2002;
3. Quarterly Groundwater Monitoring Reports, dated December 5, 2002, and May 22, 2003.

The above listed reports will be kept in the Central Files of the Southwest Regional Office of Ecology for review by appointment only. Appointments can be made by calling the resource contact at (360) 407-6365.

Ecology issued an interim determination January 29, 2003, indicating that no further remedial action was required for soil impacted by petroleum constituents and metals. Based upon the quarterly ground water monitoring reports since the soil removal, Ecology has determined that, at this time, the release of these constituents into the ground water also 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.



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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 report at 1117 West Bay Drive, Olympia. 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 the Disclaimer Trust of John J. O'Connell or the former Industrial Petroleum Distributors.

This facility is part of a larger investigation administered under Agreed Order No. DE00TCPSR-1628 issued by Ecology. Further investigation under the Agreed Order will take place on the Port of Olympia property located across West Bay Drive from the subject property. When the Agreed Order is satisfied, there will be a 30-day public comment period regarding deletion of the facility from the Hazardous Sites List. At that time Ecology will consider any comments received, and then update its database to reflect completion of the remedial actions at the facility.

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 (360) 407-6248.

Sincerely,



Martha Maggi, P.G.
Project Manager
Toxics Cleanup Program

cc: Michael Chun, AEG
Mr. William Joyce, Ogden Murphy & Wallace
Chuck Cline, Ecology