STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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April 23, 2012

PROPERTY OWNER
King Co. Dept of Natural Resources
16645 228th Ave SE
Maple Valley, WA 98038

Re: No Further Action (NFA) Determination associated with Leaking Underground Storage Tank (LUST) Site:

- Site Name: King Co. Dept of Natural Resources
- Property Address: 16645 228th Ave SE, Maple Valley, WA 98038
- Facility/Site No.: 2020
- LUST ID: 5689

Dear Property Owner:

Based on the historical information in our files and the last documents submitted to us on 2/11/2000, the Washington State Department of Ecology (Ecology) has determined that the King Co. Dept of Natural Resources site has met the substantive requirements for cleanup under the Model Toxics Control Act (MTCA) regulation Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA").

The MTCA regulation sets strict cleanup standards for sites in Washington State to ensure that the quality of the cleanup is appropriate and is protective of human health and the environment. Depending on the site circumstances and location, one of the three cleanup criteria established under MTCA is used to assess the quality of the cleanup remedy. These are:

- **Method A Cleanup levels**: Used in simple sites with few contaminants of concern (COCs). The Method A cleanup levels consist of a list of the most common hazardous substances for soil and groundwater. The Method A Cleanup levels are very strict, and if met, they allow the property to be used for unrestricted land use.
- **Method B Cleanup levels**: These cleanup levels are established using applicable state and federal laws and the risk assessment equations and other requirements defined in MTCA. Method B is used in more complex sites where the COCs are not included within the set criteria listed on the Method A tables.

- **Method C Cleanup levels**: Method C uses the same risk assessment equations and other requirements defined in MTCA but also require a full site-specific risk assessment and an Terrestrial Ecological Evaluation (TEE). Method C is used in industrial sites, when Methods A and C are technically unattainable or lower that background concentrations, and when a significant threat to human health or the environment has been identified.

After a site meets the criteria for soil and groundwater (if applicable), the cleanup is considered to be complete and an NFA letter can be issued.

According to our records, you have conducted cleanup independently and your site meets the Method A Cleanup levels.

- LUST ID No.: 5689,
- Release Notification Date: 2/27/1995,
- Contaminants of Concern: Diesel,
- Soil is affected: Yes,
- Groundwater is affected: Yes.

Based on this information, **Ecology has determined that no further remedial action is necessary at the Property to clean up contamination associated with the LUST. This determination is made only for impacts associated to releases from LUST No. 5689.** Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites and will initiate the process of removing the Site from our lists of hazardous waste sites, including (if applicable):

- Hazardous Sites List.
- Confirmed and Suspected Contaminated Sites List.
- Leaking Underground Storage Tank List.

Removing your site from these lists may include a public notice and/or a public comment period. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

Please understand that this opinion does not settle liability with the state. Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

In addition, this opinion does not constitute a determination of substantial equivalence. To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. See RCW 70.105D.080 and WAC 173-340-545.

Lastly, 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 opinion. See RCW 70.105D.030(1)(i).

If you have any questions about this opinion, please contact me by e-mail at russ.olsen@ecy.wa.gov or by phone at (425) 649-7038.

Sincerely,

Russell E. Olsen, MPA
Voluntary Cleanup Unit Supervisor
Northwest Regional Office
Toxics Cleanup Program

SF: sf