



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 7, 2007

Mr. Scott Gerber
3333 New Hyde Park Road, Suite 100
New Hyde Park, NY 11042

Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: Factoria Mall
- Address: 4015 to 4065 128th Ave. SE, 3820 124th Ave. SE, 12611 and 12727 38th St. SE, Bellevue, Washington
- Facility/Site No.: 4036592
- VCP No.: NW 1411

Dear Mr. Scott:

Thank you for submitting your independent remedial action report for the Factoria Mall 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. Groundwater Monitoring Report, Former Dry Cleaners, Factoria Mall, SE 36th Street and 128th Avenue SE, Bellevue, Washington, prepared by ADR Environmental Group, Inc. dated February 14, 2007.



Mr. Scott Gerber
June 7, 2007
Page 2

2. Report of Additional Subsurface Investigation for Factoria Mall, SE 36th Street and 128th Avenue SE, Bellevue, Washington, prepared by ADR Environmental Group, Inc. dated November 7, 2006.
3. Additional Site Assessment Work Plan, Factoria Mall, LLC, Bounded by Factoria Boulevard SE, SE 41st Place, 124th Avenue SE and SE 38th Street, Bellevue, WA prepared by ADR Environmental Group, Inc. dated July 10, 2006.
4. Subsurface Investigation Results Report for Factoria Mall, SE 36th Street and 128th Avenue SE, Bellevue, Washington by ADR Environmental Group, Inc. dated January 7, 2005.
5. Phase I Environmental Site Assessment for the Factoria Mall, 4015-4065 128th Avenue SE, 3820 124th Avenue SE, Bellevue, Washington, prepared by ADR Environmental Group, Inc. dated December 20, 2004.
6. Hazardous Materials Survey, Ernst Store, Factoria Mall, Bellevue, WA, prepared by Bruce Morris dated March 5, 1998.
7. Level I Environmental Site Assessment, Factoria Square Mall, 128th Avenue S.E. & S.E. 38th Street, King County, Washington, prepared by Rittenhouse-Zeman & Associates, Inc. dated March 1990.
8. Limited Subsurface Environmental Evaluation, Factoria Square Mall, 128th Avenue S.E. & S.E. 38th Street, King County, Washington, prepared by Rittenhouse-Zeman & Associates, Inc. dated March 1990.

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):

- Trichloroethylene (TCE) in soil and groundwater.

The Site is more particularly described in Enclosure A to this letter. 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) conducted 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

Mr. Scott Gerber
June 7, 2007
Page 3

characterizing and addressing the contamination at the Site. Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

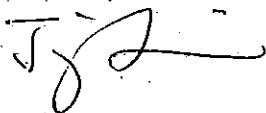
This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by Kimco Realty Corporation.

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 and further remedial action may be required at the Site.

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 successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at (425) 649-4310.

Sincerely,



Jing Liu
NWRO Toxics Cleanup Program

JL: NR

Enclosure: 1

cc: Larry Flora, ADR Environmental Group, Inc.

Enclosure A

The site is located in a mixed residential and commercial area of Bellevue, Washington. It is approximately 41 acres in size and developed with one main multi-tenant structure. The remaining portion of the site consists of asphalt-paved parking areas, concrete-paved walkways, and landscaping. The shopping center has historically been utilized by various service and retail related business. A dry cleaning business occupied a portion of the demolished structure west of the Rite-Aid/Safeway from approximately 1980 to 1984.

The subsurface investigation conducted by ADR in December 2004 indicated that soil and groundwater was impacted by Trichloroethylene (TCE). TCE was detected in one soil boring (B3) located in the area of a former tenant space occupied by a dry cleaner at depth of 10 feet with concentration of 19 $\mu\text{g/kg}$. TCE was also detected at 19 $\mu\text{g/L}$ in the groundwater sample collected from boring B3, which was above the MTCA Method A cleanup level of 5 $\mu\text{g/L}$. Additional subsurface investigation was conducted in August 2006 to assess the source and extent of TCE contamination. Four monitoring wells were installed and sampled. Monitoring well MW-1 was installed in the vicinity of the former Boring location B3, where TCE was detected in both soil and groundwater in 2004. TCE was not detected in any of the soil and groundwater samples. Another round of groundwater monitoring was conducted in February 2007, the results confirmed that groundwater is not impacted by TCE beneath the former dry cleaner site.