



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 11, 2005

CERTIFIED MAIL

7004 1160 0002 6157 6941

Ms. Anne B. Tiura
Heller Ehrman LLP
701 Fifth Avenue
Seattle, WA 98104

Dear Ms. Tiura:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at 400-416 S 48th Avenue, Yakima, Washington, Facility/Site # 9462303, ERTS #C547930

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation.

An Initial Investigation (II) was conducted by the Department of Ecology (Ecology). The II involved a review of an April 5, 2005 Golder Associates Site Characterization submittal at the above address. The submittal shows that gasoline range organics and BTEX were detected in both the soil and groundwater at concentrations exceeding the Model Toxic Control Act (MTCA) Method A cleanup levels.

Under the MTCA, Ecology maintains a listing of known or suspected contaminated sites. It is Ecology's decision that the above-referenced property will be added to this information system. Ecology has also determined that a Site Hazard Assessment described in Washington Administrative Code (WAC) 173-340-320 will be required at this site. It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) which requires a report of independent actions. To the extent known, the report shall include: The identification and location of the hazardous substance; circumstances of the release; the discovery and remedial actions planned, completed, or underway. More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained



Ms. Anne B. Tiura
October 11, 2005
Page 2

throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed. In the future, Ecology may still need to conduct a more detailed inspection of this property, including testing for possible contamination. At that time we may assess the need for further action.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you have any questions regarding this letter or the requirements under the Model Toxics Control Act, please call me. My phone number is (509) 454-7839.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard H. Bassett". The signature is fluid and cursive, with the first name "Richard" being more prominent.

Richard Bassett
Site Manager/Initial Investigations
Toxics Cleanup Program

Enc: Chapter 173-340 WAC
Chapter 70.105D RCW

cc: Valerie Drew, TCP-CRO
Frosti Smith, TCP-CRO
Michael Spencer, TCP-HQ