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

ENTERED
IN 4-26
2006

March 29, 2006

Mr. John Kane
Kane Environmental Inc.
3831 Stone Way North
Seattle, WA 98103

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

- Name: 77 Burnett Avenue South
- Address: 77 Burnett Av S, Renton, WA 98055
- Facility/Site No.: 1771950
- VCP No.: NW1491

Dear Mr. Kane:

Thank you for submitting your independent remedial action report for the 77 Burnett Avenue South 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. March 15, 2006, *77 Burnett Avenue South,* letter from Kane Environmental Inc to Washington State Department of Ecology

2. October 25, 2005, *Supplemental Limited Phase II Assessment, 77 and 95 Burnett Avenue South,* Kane Environmental Inc

3. August 4, 2006, *Independent Remedial Action Report, Petroleum Contaminated Soil & Groundwater, 77 Burnett Avenue South, Renton, Washington,* Kane Environmental Inc

4. March 22, 2004, *Phase I Environmental Site Assessment, Limited Phase II Assessment, Proposed Development, 95 & 77 Burnett Avenue South, Renton, Washington,* Kane Environmental Inc

5. August 6, 2002, *Underground Storage Tank Site Assessment Report, Lande Feed Company 95 Burnett Ave South, Renton, Washington,* FOSS Environmental Services Company

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, Sally Perkins, at (425) 649-7190.

The Site is defined by the extent of contamination caused by the following release(s):

- Diesel-range Petroleum Hydrocarbons in Soil and Ground Water.

The Site is more particularly described in Attachment 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) 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 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

and the Leaking Underground Storage Tank (LUST) 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 Parkside at 95 Burnett, LLC.

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) 649-7107.

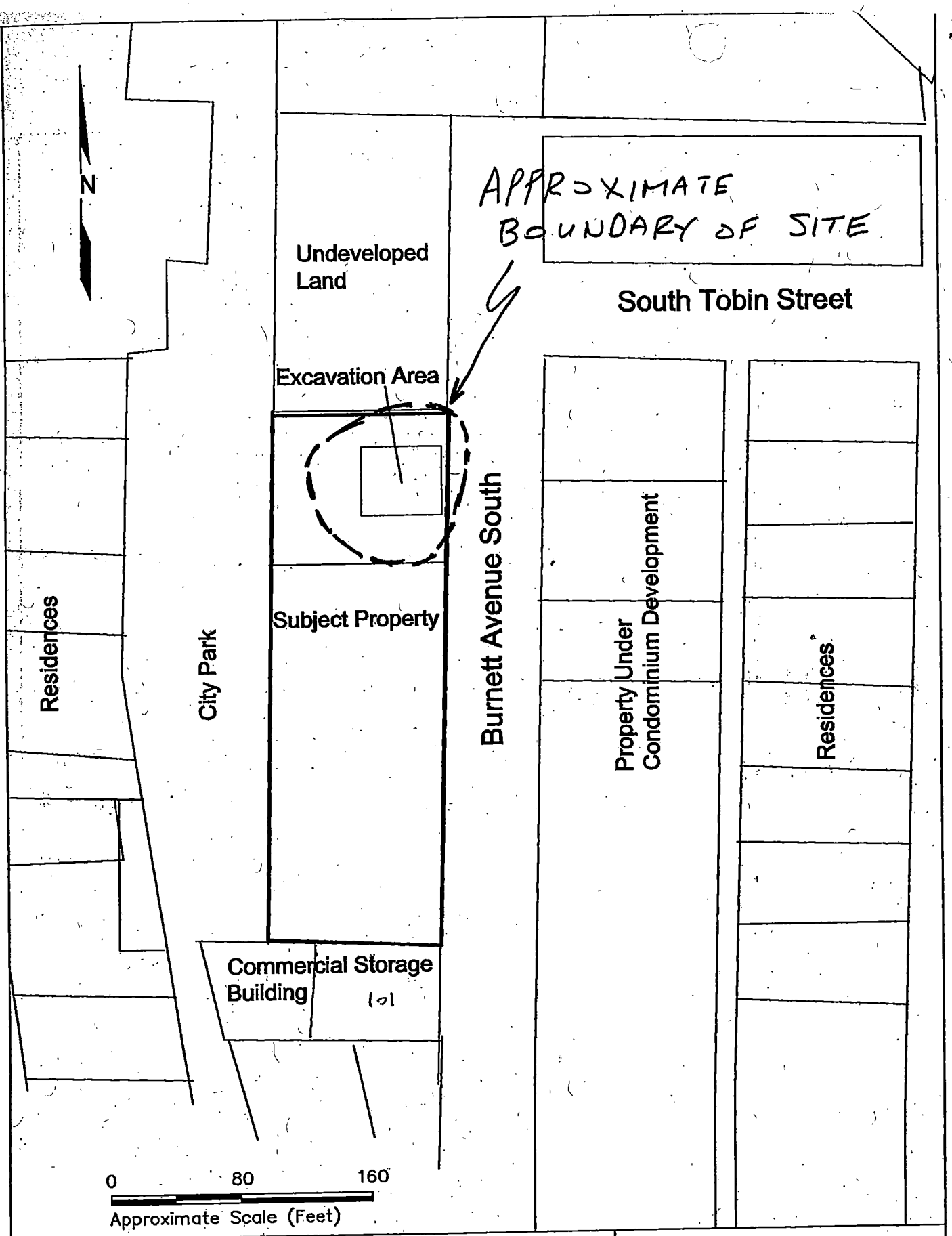
Sincerely,

Mark Adams
NWRO Toxics Cleanup Program

Enclosures: Attachment A

ATTACHMENT A

Site Map – 77 Burnett Av South
77 Burnett Av South, Renton, WA 98055



KANE ENVIRONMENTAL INC
3831 Stone Way N., Seattle - 206-691-0476
www.kane-environmental.com

Remedial Excavation
77 Burnett Avenue South
Renton, Washington

Figure 2
Site Plan