



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 11, 2007*

Mr. Michael Huey
Rock Creek Meadows II, LLC
825 Fifth Avenue, Suite 202
Kirkland, Washington 98033

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

- Name: Meadows at Rock Creek, Phase II
- Address: Southeast 268th Street and 225th Place Southeast, Maple Valley, WA
- Facility/Site No.: 1392870
- VCP No.: NW1751

Dear Mr. Huey:

Thank you for submitting your independent remedial action report for the Meadows at Rock Creek, Phase II 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. VCP application package.

*Completion date: May 18, 2007



2. Soil Cleanup Action, Meadows at Rock Creek Phase III, Southeast 268th Street and 225th Avenue Southeast, Maple Valley, Washington, Farallon PN# 453-001, dated December 21, 2006, prepared by Farallon Consulting.

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):

- Total petroleum hydrocarbon as diesel and oil in soil.

The Site is more particularly described in Enclosure 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.

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 Rock Creek Meadows II, LLC.

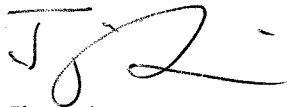
Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may 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.

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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,

A handwritten signature in black ink, appearing to be 'JL' followed by a stylized flourish.

Jing Liu
NWRO Toxics Cleanup Program

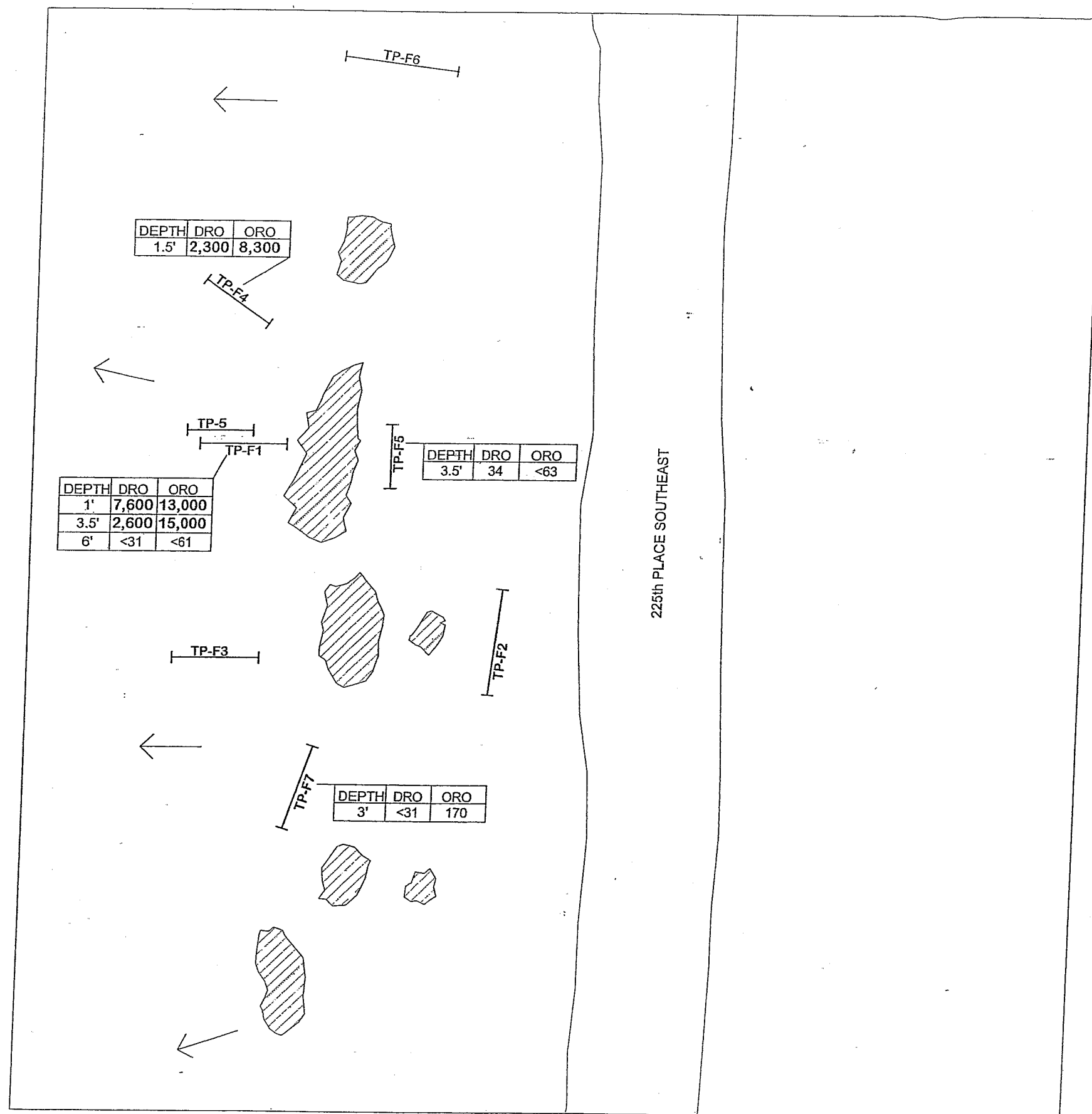
JL: kp

Enclosure: 1
cc: Tim Brown, Farallon Consulting

Enclosure A

Petroleum odors were noted in the upper five feet in the area of construction equipment storage and truck fueling during a geotechnical investigation for Site development in February 2005. Results from a subsurface investigation conducted by Farallon Consulting in October 2005 further confirmed soil containing concentrations of diesel and oil exceeding the MTCA Method A clean up levels. It was believed that the source of the release was construction/demolition equipment refueling and storage at the Site. The attached figure exhibits the location of the contaminated area.

Approximately 190 tons of petroleum contaminated soil was excavated and disposed of at an off-site facility. Groundwater was not encountered during the excavation.



Site Diagram

Copied from Figure 3, Soil Cleanup Action Report, Meadows at Rock Creek Phase III, Southeast 268th Street and 225th Avenue Southeast, Maple Valley, Washington, dated December 21, 2006, prepared by Farallon Consulting.