



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 30, 2007

Mr. Chuck Miller  
USA Petroleum Corporation  
905 Rancho Conejo Blvd.  
Newbury Park, CA 91320

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

- Name: USA Facility #190 (USA Petroleum #190)
- Address: 19420 44<sup>th</sup> Ave W., Lynnwood, WA 98046
- Facility/Site No.: 7628633
- VCP No.: NW1337

Dear Mr. Miller:

Thank you for submitting your independent remedial action report for the USA Facility #190 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. July 2, 2007, email from John Lillie, Corvus Consulting, to Mark Adams, Ecology – RE: USA Facility 190, Lynnwood, includes attachments with June 26, 2007 sampling data.

Mr. Chuck Miller  
July 30, 2007  
Page 2

2. January 25, 2007, Re: VCP NW 1337, USA Facility #190, letter from Corvus Consulting.
3. October 16, 2006, UST Closure and Final Cleanup Report, USA Petroleum, Inc., Lynnwood Facility #190, Corvus Consulting
4. Groundwater Monitoring Report, USA Petroleum Corporation Facility #190, Corvus Consulting, quarterly reports as follows:  
2006 – First, Second Quarter  
2005 – First, Second, Third, Fourth Quarter  
2004 – First, Second, Third, Fourth Quarter  
2003 – First, Second, Third, Fourth Quarter  
2002 – First, Second, Third, Fourth Quarter  
2001 – First, Second, Third, Fourth Quarter  
2000 – First, Second, Third, Fourth Quarter  
1999 – First Quarter
5. December 28, 1998, Design Report, Dual Phase Extraction System, USA Petroleum Corporation Facility #190, Kleinfelder, Inc.
6. December 4, 1998, Remedial Action Plan, USA Petroleum Corporation Facility #190, Kleinfelder, Inc.
7. October 17, 1997, Soil and Groundwater Investigation, USA Petroleum Site #190, SECOR International Incorporated

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):

- Petroleum Hydrocarbons in Soil and Ground Water.

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**

Mr. Chuck Miller  
July 30, 2007  
Page 3

**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.

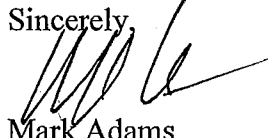
This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by USA Petroleum Corporation.

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 VCP. If you have any questions regarding this opinion, please contact me at (425) 649-7107.

Sincerely,



Mark Adams  
NWRO Toxics Cleanup Program

ma/nr

Enclosures: A

cc: John Lillie, Corvus Consulting

2