



FILE COPY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

April 17, 2001

Mr. Gerald Mellen
Heritage Brokers Inc.
4700 Tieton Drive
Yakima, Washington 98908

Re: Brand X Service Station

Dear Mr. Mellen:

Thank you for submitting the results of your independent remedial action(s) for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Brand X Station facility located at 1705 W Lincoln Avenue, Yakima, Washington:

1. Site Plan, Index & General Notes-Drawing, written by The Southland Corporation, dated July 2, 1980.
2. Preliminary Hydrogeological Assessment, written by Delta Environmental Consultants, Inc. (Delta), dated June 29, 1988.
3. Phase II Hydrogeological Assessment, written by Delta, dated October 13, 1988.
4. Remedial Action Report, written by Delta, dated January 5, 1989.
5. Remedial Action Report, written by Delta, dated April 5, 1989.
6. Quarterly Monitoring/Remedial Action Report, written by Delta, dated July 7, 1989.
7. Quarterly Monitoring/Remedial Action Report, written by Delta, dated October 6, 1989.
8. Phase II Environmental Site Assessment, written by Chen-Northern, Inc., dated June 1993.
9. Final Status Report, written by Secor, dated July 7, 1993.
10. Letters written by Underwood, Campbell, Brock & Cerutti, dated November 3, 1993 and December 8, 1993.
11. Status Letter & Quarterly Groundwater Monitoring Reports, written by GN Northern, Inc., dated May 6, 1996 and February 3, 1997.
12. Phase I ESA & Limited Phase II Subsurface Investigation, written by Pacific SW Group, dated, July 31, 1998.
13. Supplemental Phase II Subsurface Investigation, written by Pacific SW Group, dated October 30, 1998.
14. Groundwater Sampling Status Letter Report, written by Pacific SW Group, dated January 15, 1999.
15. Groundwater Sampling Activity Report, written by White Shield, Inc. dated April 9, 2001

The above listed reports will be kept in the Central Files of the Central Regional Office (CRO) of Ecology for review by appointment only. Appointments can be made, by calling the CRO resource contact at (509) 454-7658.



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Based upon the above listed information Ecology has determined that, at this time, the release of petroleum products into the soil and groundwater no longer poses a threat to human health or the environment.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, Chapter 70.105D RCW. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

The Restrictive Covenant filed on your property dated April 16, 2001, is a condition to maintain Ecology's no further action determination. Ecology's no further action determination automatically terminates and will have no force and effect if any portion of the Restrictive Covenant is violated.

Ecology's no further action determination is made only with respect to the release identified in the independent remedial action reports on file in the CRO. This no further action determination applies only to the area of the property affected by the release identified in the reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Mr. Herbert L. Ritter.

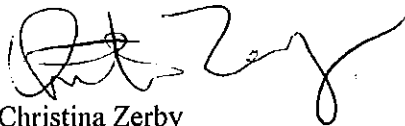
Ecology will update its database to reflect this "No Further Action" determination. Your site will not appear in future publications of the Confirmed & Suspected Contaminated Sites Report (previously known as the Affected Media and Contaminants Report.) Ecology will also initiate the process to remove your site from the Hazardous Sites List. This process includes a thirty (30) day public comment period, after which Ecology must evaluate the public's comments before making a final decision.

Ecology will also update its Leaking Underground Storage Tank (LUST) database to reflect this "No Further Action" determination. Your site will not appear in future publications of the LUST database.

The state, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions, please contact me at (509) 454-7833.

Sincerely,



Christina Zerby
Environmental Specialist
Toxics Cleanup Program

cc: Herbert Ritter