



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

September 30, 2024

Kerry McCauley
General Manager
Ag Supply Company
PO Box 599
Wenatchee, WA 98801

Re: No Further Action Opinion for the following Contaminated Site:

- **Site Name:** Ag Supply Company of Wenatchee
- **Site Address:** 1115 N. Wenatchee Avenue
- **Facility/Site ID:** 16422326
- **Cleanup Site ID:** 4144

Dear Kerry McCauley:

The Washington State Department of Ecology (Ecology) sampled your property as part of our Leaking Underground Storage Tank (LUST) Assessment Program. We are providing an opinion on the work that was done under the authority of the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.¹

Site Description and History

The Ag Supply Company of Wenatchee site (Site) is located at 1115 N. Wenatchee Avenue in Wenatchee. The site operates as a retail establishment. Petroleum contamination was reported in January 2000, when approximately 275 gallons of diesel was released from an Aboveground Storage Tank (AST) overfill. Diesel mixed with water flowed from the containment catchment to a nearby storm drain. The contamination followed a surficial path and did not impact groundwater. Approximately 10 cubic yards of contaminated soil was excavated and disposed of off-site.

Site Assessment

In July 2023, environmental samples were collected to confirm whether contamination related to the release of petroleum in 2000 was present in soil at the Site.

¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Soil samples were collected at the Site and analyzed for the following contaminants: diesel and oil range petroleum hydrocarbons, benzene, toluene, ethylbenzene, xylenes, and naphthalene.

Contaminants were either not detected or were detected at concentrations less than their respective MTCA Method A cleanup levels in soil.

Opinion

Ecology has determined that no further remedial action is necessary to clean up petroleum hydrocarbon contamination at the Site. As a result, **Ecology is issuing a No Further Action (NFA) determination for the Site.** This conclusion is based on the following:

- Petroleum-contaminated soil was removed during the remedial excavation that followed the release.
- Natural attenuation has decreased the concentration of any contamination that may have been left behind after the 2000 cleanup.
- Concentrations of petroleum hydrocarbons and related constituents were not detected in the soil samples, collected at the Site in July 2023, above their respective MTCA Method A CULs.

Ecology bases this opinion on the information contained in the following documents:

- GeoEngineers, Inc. 2023. "Site Assessment Ag Supply Company of Wenatchee 1115 North Wenatchee Avenue, Wenatchee Washington." September 27, 2023.²
- Washington State Department of Ecology. 2013. "Model Toxics Control Act Regulation and Statute Chapter 173-340 WAC and 70.105D RCW." Publication 94-06. Revised January 2024.³
- Washington State Department of Ecology. 2015. "Model Remedies for Sites with Petroleum Contaminated Soils." Publication 15-09-043. Revised December 2017.⁴
- West Central Environmental Consultants. 2000. "Remedial Action Letter." June 28, 2000.⁵

You can request these documents by filing a records request.⁶ For help making a request, contact the Public Records Officer at recordsofficer@ecy.wa.gov or call (360) 407-6040.

² <https://apps.ecology.wa.gov/cleanupsearch/document/145996>

³ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

⁴ <https://apps.ecology.wa.gov/publications/SummaryPages/1509043.html>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/7821>

⁶ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

Before making a request, check if the documents are available on Ecology's Cleanup and Tank Search website.⁷

This opinion is void if information in any of the listed documents is materially false or misleading.

Based on this opinion, Ecology will update the Site status on the Contaminated Sites List.

Limitations of the Opinion

Opinion does not settle liability with the state

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion does not:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).⁸

Opinion does not constitute a determination of substantial equivalence

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine if the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080⁹ and WAC 173-340-545.¹⁰

State is immune from liability

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 opinion. See RCW 70A.305.170(6).¹¹

⁷ <http://apps.ecology.wa.gov/cleanupsearch/site/4144>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

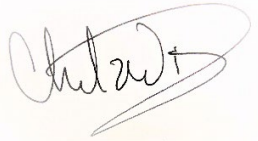
¹⁰ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

¹¹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>

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September 30, 2024
Page 4

If you have any questions about this opinion, please contact me by phone at 509-571-4708 or email at chelsea.wisotzkey@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chelsea Wisotzkey", with a stylized flourish at the end. The signature is set against a light yellow rectangular background.

Chelsea Wisotzkey
LUST Site Manager
Toxics Cleanup Program
Central Regional Office