



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 26, 2024

John Fragnito
ACA Holdings
PO Box 2028
Chelan, WA 98816-2028

Re: Opinion on Proposed Cleanup of the following Site Using Model Remedy 3 from Ecology's Model Remedies for Cleanup of Former Orchard Properties in Central Washington:

- **Cleanup Site Name:** Apple Blossom Center Mini Storage
- **Cleanup Site Address:** 183 and 195 South Apple Blossom Drive, Wenatchee
- **Facility/Site No.:** 1000001100
- **Cleanup Site No.:** 17007
- **VCP Project No.:** CE0556

Dear John Fragnito:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Apple Blossom Center Mini Storage (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.¹

Issues Presented and Opinion

Upon completion of the proposed cleanup, will further remedial action likely be necessary at the Site?

NO. The remedial action proposed at the Site meets the conditions of Ecology's Model Remedy 3 – Capping in Place and Model Remedy 4-Consolidation and Capping from the Model Remedies for Cleanup of Former Orchard Properties in Central and Eastern Washington.² If the remedial action is completed as proposed, with the addition of Institutional Control requirements addressed below, no further remedial action will likely be necessary at the Property to clean up contamination associated with the Site.

¹ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105>

² <https://apps.ecology.wa.gov/publications/documents/2109006.pdf>

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173- 340 WAC³ (collectively “substantive requirements of MTCA”). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. This opinion does not apply to any other sites that may affect the Site. Any such sites, if known, are identified separately below.

1. Description of the Site.

The Site includes the following tax parcels in Chelan County, which were affected by the Site and will be addressed by your cleanup:

- 272318627018
- 272318627017

2. This No Further Action Likely opinion is specific to parcel #272318627018 as currently developed. Parcel #272318627017 will be developed after the date of this opinion.

Enclosure A includes a legal description of the Site. **Enclosure B** includes a diagram of the Site.

The Site is defined by the nature and extent of contamination associated with the following releases:

- a. Lead into the Soil
- b. Arsenic into the Soil

Note that many former orchard lands in Central Washington State contain concentrations of lead and arsenic in the soils exceeding Model Toxics Control Act cleanup levels due to legacy pesticide use. We encourage the use of Ecology’s Dirt Alert mapping tool to identify former orchards and sampling results.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Remedial Action Report Apple Blossom Center Mini Storage Construction Phase I, Chelan Washington, Pacific Engineering, November 27, 2024⁴
2. Terrestrial Ecological Evaluation form and Technical Memorandum, Pacific Engineering, November 1, 2024⁵

³ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-340>

⁴ <https://apps.ecology.wa.gov/cleanupsearch/document/149874>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/149875>

3. Grette Associates LLC, ACA Holdings, LLC Remedial Action Plan for Lead- and Arsenic- Contaminated Former Orchard Soils, March 2024⁶
4. PBS Engineering and Environmental Inc., Phase II Environmental Site Assessment, May 2021⁷

These documents are located at Ecology's Apple Blossom Center Mini Storage cleanup site website.⁸

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

Analysis of the Cleanup

1. Cleanup of the Site.

Ecology has concluded that, upon completion of your proposed cleanup, **no further remedial action** will likely be necessary to clean up contamination associated with the Site. That conclusion is based on the following analysis:

a. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup for the Site. The Site is described above and in **Enclosure B**. Because capping and consolidation and capping have been chosen as the basis of the remedy, more detailed site characterization is not necessary.

b. Establishment of cleanup standards for the Site.

Ecology has determined that MTCA Method A cleanup levels are appropriate for the Site. MTCA Method A cleanup levels are stringent and protective of properties with unrestricted land use. The following MTCA Method A cleanup levels are appropriate for the Site:

Contaminant	Arsenic	Lead
Method A Cleanup Level for Soil (mg/kg)	20	250

These cleanup levels are protective and appropriate for unrestricted land use, including residential.

c. Selection of cleanup for the Property.

Ecology has determined that capping with clean soil or other materials that prevent exposure to residual pesticide contamination, combined with the implementation of institutional controls is an acceptable remedy for former orchard properties.

⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/149876>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/document/137548>

⁸ <https://apps.ecology.wa.gov/cleanupsearch/site/17007>

The proposed remedy follows the guidelines for Model Remedies 3 and 4 from Ecology's Orchard Model Remedies, with the exception of stormwater infiltration areas. The remedial actions of this proposed remedy, if implemented as described (including the institutional controls as described below), are appropriate to result in a **No Further Action** determination for the Site.

The Remedial Action Plan describes proposed institutional controls as:

An Environmental Covenant for the subject parcels, pursuant to the Model Toxics Control Act (MTCA) chapter 70.105D RCW and the Uniform Environmental Covenants Act (UECA) Chapter 64.70 RCW.⁹ The Covenant will demonstrate to Ecology that there will be no interference with the remedial action, that human health and the environment will remain protected, that the site will remain in a state of continued compliance and that future property owners are made aware of the remedial action and this Covenant.

Please note that preparation of the Environmental Covenant will require a recent (no greater than 6 months old) title search.

Limitations of the Opinion

1. 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**:

- Change the boundaries of the Site.
- 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 70.105D.040(4).¹⁰

2. 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 whether the action you proposed will be substantially equivalent. Courts make that determination. See RCW 70.105D.080¹¹ and WAC 173-340-545.¹²

⁹ <https://app.leg.wa.gov/rcw/default.aspx?cite=64.70>

¹⁰ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D.040>

¹¹ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D.080>

¹² <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-545>

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Property upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion under the VCP.

4. 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 70.105D.030(1)(i).¹³

Contact Information

Thank you for choosing to clean up your Property under the Voluntary Cleanup Program (VCP). As you conduct your cleanup, please do not hesitate to request additional services. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our website.¹⁴ If you have any questions about this opinion, please contact me by phone at 509-571-6661 or by e-mail at Mary.Monahan@ecy.wa.gov.

Sincerely,



Toxics Cleanup Program
Central Regional Office

Enclosures (2): A – Legal Description of the Property
B –Diagram of the Site

cc: Eron Drew, Pacific Engineering

¹³ <https://app.leg.wa.gov/rcw/disp.aspx?cite=70.105D.030>

¹⁴ <https://ecology.wa.gov/spills-cleanup/contamination-cleanup/voluntary-cleanup-program>

Enclosure A

Legal Description of the Property

Parcel 272318627017

Also known as Parcel A: Lot 34, City of Chelan Specific Binding Plan No. BSP 2021-01CH, Chelan County, Washington, recorded October 6, 2021, in Book SP-30 of Short Plats, Page 17.

Parcel 272318627018

Also known as Parcel B: Lot 35, City of Chelan Specific Binding Plan No. BSP 2021-01CH, Chelan County, Washington, recorded October 6, 2021, in Book SP-30 of Short Plats, Page 17.

Enclosure B

Diagram of the Site



PURPOSE: SITE CHARACTERIZATION REPORT

ADJACENT PROPERTY OWNERS:

APPLE BLOSSOM CENTER OWNERS ASSOCIATION
11410 NE 124TH ST #500
KIRKLAND, WA 98034

GALA AVE PARTNERS LLC
PO BOX 98
WOODINVILLE, WA 98072

SITE MAP



N 47.836; W -119.991

PARCELS #272318627018 AND #272318627017

APPLE BLOSSOM CENTER MINI STORAGE

AT: 183 AND 195 APPLE BLOSSOM DRIVE
CHELAN, WA 98816

COUNTY OF: CHELAN
STATE: WA
APPLICATION BY: JOHN FRAGNITO;
ACA HOLDINGS, LLC

SHEET NO. 2 OF 3 DATE: 02/12/24