



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

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

July 16, 2025

Chris Sandberg  
Chelan Luxury Garages LLC  
246 West Manson Highway, #165  
Chelan, WA 98815

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

- **Cleanup Site Name:** Chelan Luxury Garages
- **Cleanup Site Address:** 73 and 93 Shop Avenue, Chelan
- **Facility/Site No.:** 100003161
- **Cleanup Site No.:** 17193
- **VCP Project No.:** CE0570

Dear Chris Sandberg:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the Chelan Luxury Garages LLC (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.<sup>1</sup>

### **Opinion**

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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.<sup>2</sup> 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.

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

<sup>2</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2109006.html>

## Description of the Site

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This opinion applies only to the Site described 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:

- 272318420167
- 272318420195

### 2. **This No Further Action Likely opinion is specific to the parcels as they are currently shown in the Remedial Action Plan report and in Enclosure B. Please update Ecology with any Boundary Line Adjustments once they are completed.**

**Enclosure A** includes a legal description of the Site. **Enclosure B** includes a diagram of the Site taken from the Chelan County Assessor's website on June 25, 2025.

The Site is defined by the nature and extent of contamination from lead and 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

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

1. Remedial Action Plan, Chelan Luxury Garages, Chelan, Washington, Pacific Engineering, January 28, 2025<sup>3</sup>
2. Site Characterization Report, Chelan Luxury Garages, LLC, Chelan, Washington, Pacific Engineering, September 16, 2024 (included as Appendix A to the above-mentioned Remedial Action Plan)
3. Terrestrial Ecological Exemption form (added as Appendix C to the above-mentioned Remedial Action Plan)

These documents are located on the cleanup site webpage.<sup>4</sup>

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<sup>3</sup> <https://apps.ecology.wa.gov/cleanupsearch/document/159192>

<sup>4</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/17193>

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

## Analysis of the Cleanup

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### 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 that 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.

The proposed remedy follows the guidelines for Model Remedies 3 and 4 from Ecology's Orchard Model Remedies. Since groundwater has not been encountered shallower than 5 feet below ground surface (bgs), and all stormwater infiltration areas have been found to be free of arsenic and lead contamination, no additional remedies are required for this cleanup.

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.<sup>5</sup> 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

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### 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).<sup>6</sup>

### 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.080<sup>7</sup> and WAC 173-340-545.<sup>8</sup>

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<sup>5</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=64.70>

<sup>6</sup> <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D.040>

<sup>7</sup> <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D.080>

<sup>8</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-545>

Chris Sandberg  
Chelan Luxury Garages LLC  
July 16, 2025  
Page 5

**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).<sup>9</sup>

**Contact Information**

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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.<sup>10</sup> 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,



Mary Monahan  
Toxics Cleanup  
Program Central  
Regional Office

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

cc:     Eron Drew, Pacific Engineering

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<sup>9</sup> <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D.030>

<sup>10</sup> [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm)



## **Enclosure A**

### **Legal Description of the Property**





**Parcel 272318420167**

Parcel Address 93 Shop Avenue, Chelan WA

Abbreviated Legal Description: T 27N R 23EWM S 18 Lot 2 SS# 2860 5.2900 Acres

**Parcel 272318420195**

Parcel Address 73 Shop Avenue, Chelan WA

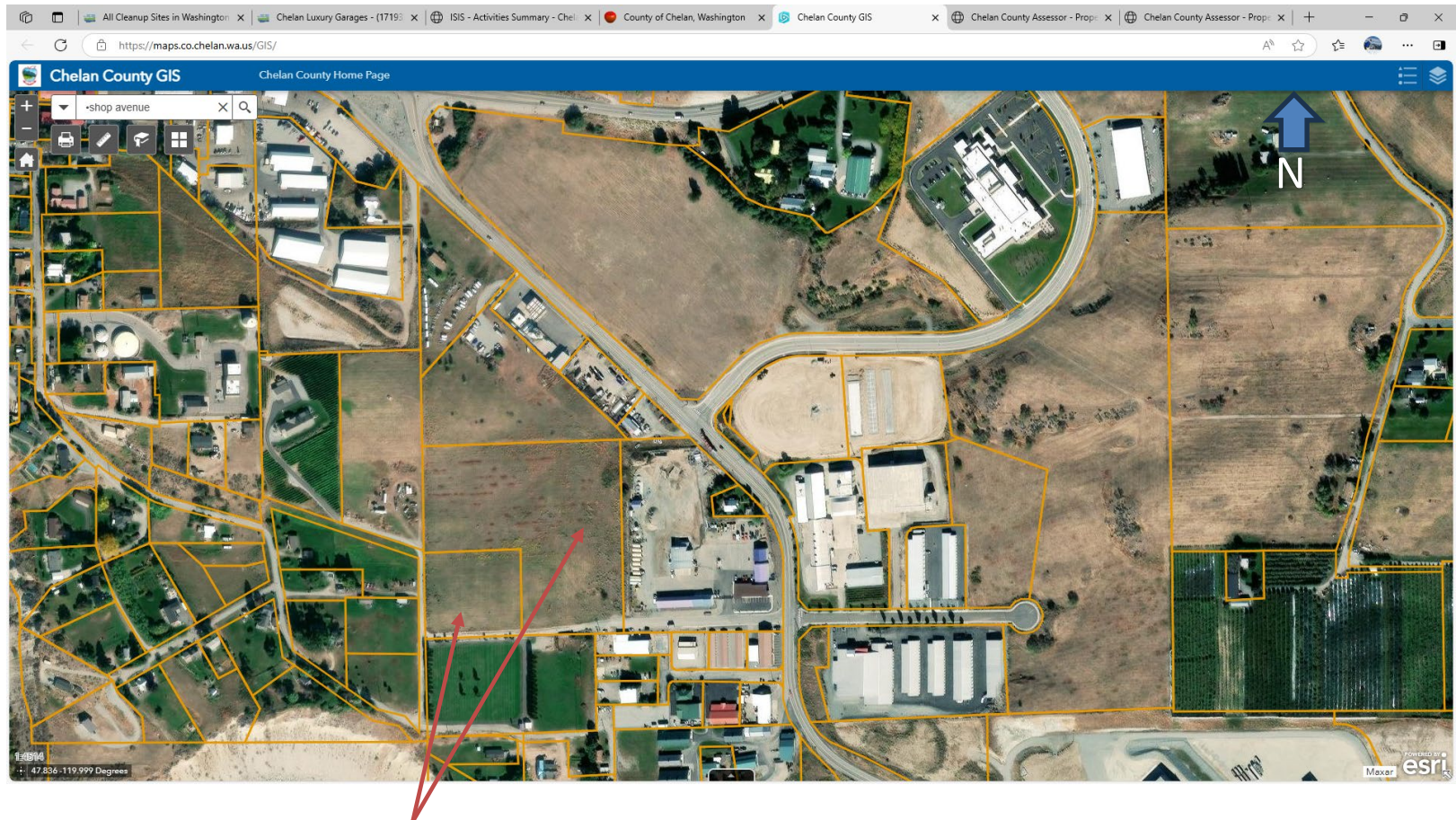
Abbreviated Legal Description: T 27N R 23EWM S 18 Lot 3 SS# 2860 5.3400 Acres



## **Enclosure B**

### **Diagram of the Site**





Subject parcels (Chelan County Assessor's GIS page, accessed June 25, 2025)