



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

October 28, 2025

Doug Edler
1210 Weikel Rd
Yakima, WA 98908

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

- **Site Name:** D3 Investment LLC
- **Site Address:** 2003 E Viola Avenue, Yakima
- **Facility/Site No.:** 2126113
- **Cleanup Site ID:** 17253
- **VCP No.:** CE0575

Dear Doug Edler:

The Washington State Department of Ecology (Ecology) received your request for site closure for your independent cleanup of the D3 Investment LLC Facility (Site) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing cleanup.

This letter is an advisory opinion regarding whether further action is necessary to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70A.305 RCW,¹ and Chapter 173-340 WAC.²

Based on our review, **no further action (NFA) is required.**

The NFA opinion is based on our review of the following document:

- D3 Investment LLC – Remediation cap depth confirmation, July 31, 2025, D3 Investments³

The referenced document is available online.

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

² <https://app.leg.wa.gov/wac/default.aspx?cite=173-340>

³ <https://apps.ecology.wa.gov/cleanupsearch/document/163258>

Investigation Summary

Ecology conducted a soil sampling investigation at the site to evaluate potential contamination associated with historical orchard use. Soil samples were collected from the top one foot of soil and analyzed for lead and arsenic. Analytical results confirmed the presence of lead and arsenic in site soils at concentrations above the Model Toxics Control Act.

Cleanup Summary

Remedial actions were conducted in accordance with Ecology's Model remedies for former orchard lands to address lead and arsenic contamination in soil. The cleanup approach included the installation of both soft and hard caps to prevent direct contact with contaminated soil and to minimize the potential for soil disturbance. A 4-inch compacted gravel cap was placed in high traffic areas, while a 6-inch uncompacted gravel was installed in areas with less traffic.

Further Requirements

This opinion is based on the continued effectiveness of the institutional control(s) required as part of the cleanup action for the Site under WAC 173-340-440.⁴ A copy of the Restrictive Covenant filed for any property as part of the cleanup action for the Site is enclosed with this letter. If any portion of any Restrictive Covenant is violated, then this opinion will automatically be rendered null and void, and further remedial action may be required at the Site.

Limitations

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 D3 Investments.

Please note that this opinion is based solely on the information contained in the documents reviewed. 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. 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 70A.305.040.⁵ The opinion is advisory only and not binding on Ecology.

⁴ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-440>

⁵ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.040>

Doug Edler
October 28, 2025
Page 3

Project Closure

Based on this **no further action** determination, Ecology will update the status of the Site and remove it from the Contaminated Sites List.

Again, Ecology appreciates your initiative in successfully completing the cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at tavi.wise@gmail.com.

Sincerely,



Tavi Wise
Site Manager
Toxics Cleanup Program
Central Regional Office

Enclosure: Copy of Restrictive Covenant