



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 24, 2014

Steve King
City of Wenatchee
1350 McKittrick Street, Suite A
Wenatchee, WA 98801

Re: Opinion on Proposed Cleanup of the following Site:

- **Site Name:** Wenatchee City Public Works
- **Site Address:** 25 North Worthen Street, Wenatchee
- **Facility/Site No.:** 98691464
- **VCP Project No.:** CE0397

Dear Mr. King:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your proposed independent cleanup of the above-referenced 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.

Issue Presented and Opinion

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

NO. Ecology has determined that, upon completion of your proposed cleanup, no further remedial action will likely be necessary to clean up contamination at the Site.

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 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:



- Lead, arsenic, benzene, and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) into the Site's soil.

A detailed description and diagram of the Site, as currently known to Ecology is present in the *Focused Site Assessment*, Maul Foster & Alongi, Inc., March 4, 2014.

Please note the Wenatchee City Worthen Street Landfill facility (# 343) also affects parcel(s) of real property associated with this Site. This opinion does not apply to any contamination associated with the Wenatchee City Worthen Street Landfill facility.

Basis for the Opinion

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

1. Forsgren Associates, June 1995. *Site Check/Site Assessment for the Permanent Closure of Underground Storage Tanks*.
2. Ecology and Environment, Inc. on behalf of the U.S. Environmental Protection Agency, June 2000. *Wenatchee Landfill Targeted Brownfields Assessment Report*.
3. Maul Foster & Alongi, Inc., August 31, 2011. *Subsurface Evaluation Letter Report*.
4. Maul Foster & Alongi, Inc., December 20, 2011. *Focused Site Characterization Letter Report*.
5. Maul Foster & Alongi, Inc., December 17, 2013. *Data Gap Investigation Summary Letter Report*.
6. Maul Foster & Alongi, Inc., March 4, 2014. *Focused Site Assessment*.
7. Contents of file, CRO Site file.

Those documents are kept in the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling the CRO resource contact at (509) 575-2490.

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

Analysis of the Cleanup

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

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action.

The Site is described as releases from a former public works yard, including underground storage tanks, which operated from the 1950s until 2009, contaminating the Site's soil with benzene, cPAHs, and lead. The source of the lead and arsenic near the ground surface is unknown, although concentrations are consistent with area wide contamination. Diesel range organics and heavy oils were also detected in soil below MTCA cleanup levels. There is no groundwater contamination known to be associated with this Site, although the groundwater below the Site is contaminated with a number of hazardous substances originating from the adjacent landfill site.

Previous investigation activities conducted at the Site have allowed for sufficient characterization of the nature and extent of contamination relative to an unrestricted land use scenario. Through screening contaminant concentrations against MTCA Method A cleanup levels, a cleanup action that meets the unrestricted land use requirements may be readily selected.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

Per the Focused Site Assessment, prepared by Maul Foster & Alongi, Inc. and dated March 4, 2014, the following cleanup standards and point of compliance have been established.

a. Cleanup levels.

The MTCA Method A soil cleanup levels for unrestricted land uses shall be used throughout the Site for gasoline range organics, diesel range organics, heavy oils, benzene, toluene, ethylbenzene, xylenes, cPAHs, lead, and arsenic.

MTCA Method A Soil Cleanup Levels:

Gasoline Range Organics:	30 mg/kg
Diesel Range Organics:	2,000 mg/kg
Heavy Oils:	2,000 mg/kg
Benzene:	0.03 mg/kg
Toluene:	7 mg/kg
Ethylbenzene:	6 mg/kg
Xylenes:	9 mg/kg
cPAHs:	0.1 mg/kg
Lead:	250 mg/kg
Arsenic:	20 mg/kg

b. Terrestrial Ecology Evaluation (TEE).

The Site qualifies for an exclusion, WAC 173-340-7491(1)(b), from the TEE because all soil contaminated with hazardous substances will be covered by buildings, paved parking areas, or other physical barriers that will prevent plants and animals from being exposed to the soil contamination. An institutional control in the form of an environmental covenant will be placed on the property associated with the Site.

This exclusion is based on future land use and the proposed completion date for such future development is acceptable to the department.

Please provide the supporting documentation (VCP TEE form) for an exclusion from the TEE process.

3. Selection of cleanup action.

Ecology has determined the cleanup action you proposed for the Site meets the substantive requirements of MTCA.

The Focused Site Assessment, dated March 4, 2014 and prepared by Maul Foster & Alongi, Inc., identifies Capping and Targeted Excavation Integrated with Redevelopment as the preferred remedial alternative. The preferred remedial alternative comprises:

- Targeted soil removal including over-excavation for building foundations and utility trenches, with off-site disposal or on-site consolidation beneath the cap.
- Capping consisting of a minimum 1-foot of clean soil (e.g., landscape area), asphalt surface (e.g., parking lot), concrete surface (e.g., walkway) or footprint of a building foundation.

- Institutional controls including prohibition of groundwater use, construction of a vapor intrusion barrier beneath future buildings, and protection of the cap through a soil management plan.

The proposed remedial action is found to be compliant with the threshold requirements set forth in WAC 173-340-360(2) by:

- Protecting human health and the environment
- Complying with cleanup standards
- Complying with applicable state and federal laws
- Providing for compliance monitoring.

Please follow Ecology's *Guidance for Remediation of Petroleum Contaminated Sites* regarding the characterization of stockpile soils and reuse of petroleum contaminated soil, including soil with contamination concentrations below MTCA cleanup levels.

4. Professional License Requirements

Any site investigation/cleanup document containing geologic or engineering work (generally, interpretation of geologic or groundwater data, design calculations, plans, or as-built plans) must be submitted under the seal of the appropriately licensed professional.

5. Environmental Information Management System (EIM)

In accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840 (Data Submittal Requirements), data generated for Independent Remedial Actions shall be submitted simultaneously in both a written and electronic format. For additional information regarding electronic format requirements, see the website <http://www.ecy.wa.gov/eim>.

Data must be submitted to Ecology in this format for Ecology to issue a No Further Action determination.

An EIM data submittal has been received for the 2011 and 2013 remedial investigations. Please submit any additional data collected in the future.

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**:

- 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).

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 and WAC 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 Site 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).


Steve King
City of Wenatchee
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Contact Information

Thank you for choosing to clean up the Site 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 web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion, please contact me by phone at (509) 454-7835 or e-mail at matthew.durkee@ecy.wa.gov.

Sincerely,



Matthew Durkee, LG
Site Manager
CRO Toxics Cleanup Program

cc: Dolores Mitchell, Ecology
Justin Clary, Maul Foster & Alongi, Inc.