



FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 10, 2006

Mr. Steve King  
City of Wenatchee  
PO Box 519  
Wenatchee, WA 98807-0519

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

- Name: Wenatchee Rotary Park
- Address: 1410 N. Western Avenue, Wenatchee, Washington
- Facility/Site No.: 1584748
- VCP No.: CE0214

Dear Mr. King:

Thank you for submitting your cleanup action report for the Rotary park facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

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 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Cleanup Action Report. March 7, 2005. Munson Engineers.
2. Restrictive Covenant. September 19, 2005. City of Wenatchee.
3. Wenatchee Orchard Targeted Brownfields Assessment Report Wenatchee Washington. TD99-06-0002. Region 10 START. USEPA. May 2000.



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4. Correspondence between Norm Hepner, Ecology and Steve King, City of Wenatchee.

The documents listed above will be kept in the Central Files of the Central Regional Office of Ecology (CRO) for review by appointment only. Appointments can be made by calling Roger Johnson, the [CRO] resource contact, at (509) 454-7658.

The Site is defined by the extent of contamination caused by the following release(s):

- Lead in Soil;
- Arsenic in Soil.
- Pesticides in Soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

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. A copy of the Restrictive Covenant(s) filed for any property as part of the cleanup action for the Site is enclosed with this letter as Enclosure B. 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.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

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 the City of Wenatchee

Please note that this opinion is based solely on the information contained in the documents listed above. 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.

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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.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program. If you have any questions regarding this opinion, please contact me at (509) 454-7842.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Newschwander", written over a horizontal line.

Jeff Newschwander  
Site Manager  
Toxics Cleanup Program - CRO

Enclosures