



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 15, 2006

Mr. Tim Syverson
Landau Associates
130 2nd Avenue South
Edmonds, WA 98020

RE: Voluntary Cleanup Review for the Proposed Home Depot Property, Maiden Lane and North Wenatchee Avenue, Wenatchee, Washington, Facility Site ID# 3768681 (VCP# CE0169)

Dear Mr. Syverson:

Thank you for submitting the copy of the restrictive covenant for review by the State of Washington Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA).

Ecology's Toxics Cleanup Program has reviewed the following information regarding the Proposed Home Depot Property located at Maiden Lane and North Wenatchee Avenue in Wenatchee, Washington:

1. Restrictive Covenant filed January 19, 2006.
2. Independent Remedial Action Report, Home Depot Property, Landau Associates, September 12, 2005.
3. Expanded Phase I Environmental Site Assessment, Proposed Home Depot Property, Landau Associates, March 18, 2003.

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

Based upon the above listed information Ecology has determined that, at this time, the release of lead, arsenic and PCBs into the soil no longer poses a threat to human health or the environment for Parcels 232033820035 and 232033783095. This determination is not applicable to any other parcel. It should be clear that adjacent parcels have not been remediated and future site remediation/development is required to be coordinated with Ecology as required by the covenant.

Therefore, Ecology is issuing this determination that no further remedial action is necessary at this site under MTCA, chapter 70.105D RCW. However, please note that because your actions

Mr. Tim Syverson
February 15, 2006
Page 2

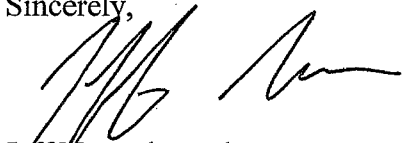
were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

Ecology's no further action determination is made only with respect to the lead, arsenic and PCB releases identified in the subject reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Home Depot or its subsidiaries.

Ecology will upgrade its database to reflect this "No Further Action" determination. 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 determination.

This completes your review through the Ecology Voluntary Cleanup Program. If you have any questions, please contact me at (509) 454-7842.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Newschwander', is written over the word 'Sincerely,'.

Jeff Newschwander
Site Manager
Toxics Cleanup Program

cc: Frosti Smith, VCP Coordinator