



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 18, 2016

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

Re: No Further Action at the following Site:

Site Name:	Wenatchee City Public Works
Site Address:	25 N. 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 Wenatchee City Public Works facility (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

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified later in this letter (p. 6).

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 Report*, Maul Foster & Alongi, Inc., March 4, 2014, the *Remedial Action Completion Report*, Maul Foster & Alongi, Inc., March 4, 2016, and the *Site Management Plan*, Maul Foster & Alongi, Inc., March 14, 2016.

Please note the Wenatchee City Worthen St 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 St 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., February 7, 2014. *Data Gap Investigation Summary* letter report.
6. Maul Foster & Alongi, Inc., March 4, 2014. *Focused Site Assessment Report*.
7. Maul Foster & Alongi, Inc., March 4, 2016. *Remedial Action Completion Report*.
8. Maul Foster & Alongi, Inc., March 14, 2016. *Site Management Plan*.
9. Contents of file, CRO Site file.

Those documents are kept at 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) 575-2027.

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 **no further remedial action** is 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 known to exist the area. Diesel range organics and heavy oils were also detected in soil below MTCA cleanup levels. Based on limited data, groundwater contamination below the Site is not believed to be associated with this Site, although the groundwater 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 to allow to selection of a cleanup action.

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.

a. Cleanup levels.

Hazardous Substance	Soil (mg/kg)
Gasoline range organics	30
Diesel range organics	2,000
Heavy oils	2,000
Benzene	0.03
Toluene	7
Ethylbenzene	6
Xylenes	9
cPAHs	0.1
Lead	250
Arsenic	20

b. Terrestrial Ecology Evaluation (TEE).

The Site qualifies for an exclusion, WAC 173-340-7491(1)(b), from the TEE because all soil contaminated containing hazardous substances has been covered by a minimum one-foot thick layer of clean soil/gravel underlain by an insect/rodent resistant demarcation barrier over the entire Site that will prevent plants and animals from being exposed to the soil contamination. Future land use plans include a hotel building and parking lot which will provide for additional capping of the Site. An institutional control in the form of an environmental covenant has been placed on the property associated with the Site.

3. Selection of cleanup action.

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

The cleanup action selected for the contaminated oil is described as construction of an engineering control and implementation of institutional controls.

Engineering controls included soil consolidation and capping of the soils containing hazardous substances exceeding MTCA Method A soil cleanup levels. The protective cap consists of demarcation fabric (resistant to insect and rodent damage) and a minimum one-foot thick layer of clean soil/gravel over the entire Site (approx. three acres).

Institutional controls included development of a site management plan that protects the integrity of the cap and placement of environmental covenants on the associated properties that require specific prohibitions and requirements. These prohibitions and requirements include land use restrictions, containment of soil/waste materials, stormwater facilities restrictions, vapor/gas controls, and groundwater use restrictions.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls and monitoring specified below.

During the winter of 2015-2016, the City performed utility demolition, soil grading, material hauling, and associated tasks supporting construction of a protective cap over contaminated soil at the Site.

Municipal solid waste (MSW) associated with the adjacent Wenatchee City Worthen Street Landfill facility was encountered, as expected, during grading activities in the northern corner of the Site. A total of 689 tons of MSW was removed during while excavating to the subgrade design elevation. Following approval, the MSW was disposed of at the Greater Wenatchee Regional Landfill in East Wenatchee, WA between December 15 and 22, 2015.

The City constructed a protective gravel/soil cap over the entire Site (approx. three acres). The protective cap consisted of orange insect and rodent resistant demarcation geotextile fabric located under imported material consisting of a minimum one (1) foot thick crushed surfacing base course (gravel) or soil, depending on intended future Site use. A total of 12,490 tons of crushed surfacing base course and 1,018 cubic yards of soil were imported and placed on the Site to construct the protective cap. The City prepared an operation and maintenance plan titled *Site Management Plan* to insure the integrity of the cap in the future.

The City recorded an environmental covenant on both parcels associated with the Site that prohibits and limits activities that may interfere with the integrity of the protective cap or result in exposure to hazardous substances. The environmental covenant includes land use restrictions, containment of soil/waste materials, stormwater facilities restrictions, vapor/gas controls (related to Wenatchee City Worthen St Landfill site), and groundwater use restrictions (related to Wenatchee City Worthen St Landfill site).

The remedial action protects human health and the environmental, complies with cleanup standards, and complies with applicable state and federal laws.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional controls are necessary at the Site:

- Land use restrictions
- Containment of soil/waste materials
- Stormwater facilities restrictions
- Vapor/gas controls
 - Related to Wenatchee City Worthen St Landfill site
- Groundwater use restrictions
 - Related to Wenatchee City Worthen St Landfill site

To implement those controls, Environmental Covenants have been recorded on the following parcels of real property in Chelan County:

- Tax Parcel No.: 222003821010
- Tax Parcel No.: 222003821050

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure A.**

2. Operation and maintenance of engineered controls.

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. The following engineered control is necessary at the Site:

- Capping consisting of a minimum one-foot of clean soil/gravel and associated demarcation barrier. It is also anticipated that a hotel will be constructed on the Site in the future, consisting of a building footprint(s), parking lot(s), and walkways which will also act as a cap over the Site.

Ecology has approved the operation and maintenance plan you submitted for these engineered controls. The *Site Management Plan* prepared by Maul Foster & Alongi, Inc., dated March 14, 2016, is available as part of Ecology's site file.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List and Leaking Underground Storage Tank List.

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.

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3. State is immune from liability.

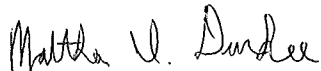
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#CE0397).

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 or the termination of the Agreement, please contact me by phone at (509) 454-7835 or e-mail at matthew.durkee@ecy.wa.gov.

Sincerely,



Matthew Durkee, LHG
Site Manager
CRO Toxics Cleanup Program

Enclosure (1): Environmental Covenant for Institutional Controls

cc: Matthew Alexander, Ecology
Justin Clary, Maul Foster & Alongi, Inc.
Dan Koroma, Ecology