



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 26, 2010

Mr. John Clarke
Vice President
Wal-Mart Real Estate Business Trust
2001 SE 10th Street, Dept. 8703
Bentonville, AR 72716-0550

RE: **Opinion Letter on Proposed Remedial Action – Further Action Determination**
Wal Mart Store 2187, 2000 Wenatchee Ave., Wenatchee, WA (FSID # 232028340050,
VCP # CE0323)
Tesoro West Coast Co Mirastar, 2002 Wenatchee Ave., Wenatchee, WA (FSID #
23971497, UST #567035)

Dear Mr. Clarke:

The Washington State Department of Ecology (Ecology) received a request for an opinion on the independent cleanup of the Wal Mart Store 2187 and Tesoro West Coast Co. Mirastar facilities (Site) in Wenatchee, WA. Thank you for submitting documents regarding the proposed remedial action for the Site.

Ecology (Laura Klasner) has had several discussions with Sean Donnan of Terracon discussing the proposed Wal Mart expansion, remedial action plans, and the request for an Ecology opinion letter. Ecology understands that Wal Mart would like an evaluation of the proposed remedial actions to determine the likelihood that they may be sufficient to achieve site closure (a.k.a. a "no further action" determination) and to find out what additional remedial actions may be necessary.

Ecology Opinion

After review of the available information, **Ecology has determined that further action is necessary.** Although additional remedial actions are needed, Ecology believes the proposed work will aid in the ultimate goal of achieving a site cleanup that would adequately address exposure pathways.

The following outlines Ecology's comments on the proposed remedial actions. Please submit a response to address the following:



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- 1) Based on the Soil Management Plan, Ecology understands that all impacted soils will be capped to prevent exposure. In areas that will be landscaped and not placed underneath the structure or asphalt parking lot, Ecology understands that one foot of clean fill topped by one additional foot of topsoil will be used for plantings. In addition, geotextile fabric or gravel should be used as a demarcation layer to distinguish clean from dirty soils.
- 2) A final report should be submitted that summarizes all remedial actions to date including:
 - a) Summary and reference to past investigation and cleanup activities.
 - b) Summary and documentation of the proposed expansion and remedial actions completed in conjunction with the development. This should include, at a minimum (but not limited to): description of the project activities, elements and performance of the soil management plan, description of construction oversight, confirmation sampling of imported clean fill materials, waste disposal characterization and documentation, pre- and post-construction site conditions, description of the cap, evaluation of residual risk, etc.
- 3) An operation and maintenance plan for the life of the cap should be submitted to Ecology.
- 4) An environmental covenant should be filed with the appropriate authority (see attached boiler plate)
- 5) 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>. To date, Ecology's Environmental Information Management (EIM) database contains no analytical data on this Site.
- 6) This opinion does not represent a determination by Ecology that the proposed remedial action will be sufficient to obtain a no further action determination from Ecology. To obtain this opinion, you must submit an independent remedial action report (as discussed above) to Ecology upon completion of the remedial action and request such an opinion under the VCP. This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.

This letter constitutes an advisory opinion regarding whether your proposed remedial action is likely to be sufficient to meet the specific 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).

Basis for Ecology's Opinion

Site Description: Wal Mart Store 2187 and Tesoro West Coast Co Mirastar facilities (collectively referred to as the Site) are located at 2000 and 2002 North Wenatchee Avenue in

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the northern Wenatchee, WA, on Chelan County tax parcel 232028340050 (16.21 acres). The Site is part of an Area Wide pesticide contamination problem, as historically orchards were situated in this area of Washington. From the early 1900s to 1992, the Site was operated as an apple orchard. In 1992 the Site was developed into a Wal Mart store. From 2001 to 2008, a Mirastar gasoline station also occupied the northeast corner of the property. The Mirastar petroleum underground storage tanks (USTs) were decommissioned in 2008 and the Mirastar facility demolished. During tank decommissioning, a site assessment was performed by URS and indicates that there was not a release associated with the USTs. The site is surrounded by a mix of commercial and residential properties. The Wenatchee River and Columbia River are both within a quarter mile of the Site, located to the north and east, respectively. Likely as a result of pesticide use associated with the apple orchard, shallow site soils were analyzed and found to be impacted by pesticides at concentrations above MTCA cleanup levels for arsenic, lead, dieldrin, DDT, DDD, and DDE.

Proposed Development and Remedial Actions: According to Sean Donnan, Terracon, Wal Mart plans to expand their Wenatchee storefront by approximately 35,000 square feet, beginning late summer 2010. Associated with the proposed development, remedial actions are planned to cap and prevent exposure to impacted soils by placing them underneath building structures, asphalt parking areas, and/or clean fill. Ecology has limited information on the development and capping details.

Information Reviewed: This opinion is based on the information contained in the documents listed below. These documents are kept in the Central Regional Office of Ecology (CRO) for review by appointment only. You can make an appointment by calling Roger Johnson at 509-454-7658. 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.

1. December, 1992 Remedial Investigation/Feasibility Study and Cleanup Action Plan. RZA AGRA, Inc. (Received April 2, 2010)
2. April 23, 2009. Limited Site Investigation. Terracon. (Received April 2, 2010)
3. December 10, 2009. Reporting Letter. Terracon. (Received December 14, 2009)
4. February 5, 2010. Tesoro Gas Station Decommissioning Letter. Terracon. (Received April 2, 2010)
5. February 26, 2010. Addendum to the Limited Site Investigation. Terracon. (Received April 2, 2010)
6. April 2, 2010. VCP Agreement and Terrestrial Ecological Evaluation Form. Wal Mart. (Received April 2, 2010)
7. April 30, 2010. Phase I Environmental Site Assessment. Terracon. (Received June 9, 2010)
8. May 26, 2010. Letter request for additional information. Ecology.
9. June 25, 2010. Soil Management Plan. Terracon. (Received June 25, 2010)

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10. August 20, 2010. Dust Control Plan. Reeve-Knight Construction, Inc. (Received August 25, 2010)

Ecology appreciates your initiative in pursuing voluntary cleanup actions. Please contact me at (509) 454-7833 if you have any questions.

Sincerely,



Laura Klasner, PE
Site Manager
Central Regional Office
Toxics Cleanup Program

CC:

- Mr. Sean Donnan, Principal, Terracon Consultants, Inc., 21905 64th Avenue W. Ste. 100, Mountlake Terrace, WA 98043
- Mr. Sean Mallon, P.E., Pac Land, 105 Westlake Avenue N., Seattle, WA 98109
- Mr. Steve Dyer, Senior Design Manager, Wal-Mart Real Estate Business Trust, 2001 SE 10th Street, Dept 8703, Bentonville, AR 72716-0550

Attachments:

Boilerplate for Restrictive (Environmental) Covenant