



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

October 19, 2017

Patrick Jones  
Executive Director – Port of Chelan County  
238 Olds Station Rd, Suite A  
Wenatchee, WA 98801

Re: No Further Action at a Property associated with a site:

Site Name: Cashmere Mill Site  
Site Address: 5500 Mill Road, Cashmere  
Facility Site No.: 20168  
Cleanup Site No.: 11386  
VCP Project No.: CE0454

Dear Mr. Jones:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of a Property associated with the Cashmere Mill Site 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.

### **Issues Presented and Opinion**

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1. Is further remedial action necessary at the Property to clean up contamination associated with the Site?

**NO. Ecology has determined that no further action is necessary at the Property to clean up contamination associated with the Site. The Property is defined in Section 1 on Page 2.**

**This opinion is dependent on the continued performance and effectiveness of the post-cleanup controls.**

2. Is further remedial action still necessary elsewhere at the Site?

**YES. Ecology has determined that further action is still necessary elsewhere at the Site, but not on the Property as described in Section 1 on Page 2.**

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 Property and the Site**

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This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately below.

#### **1. Description of the Property.**

The Property includes the following tax parcels, which were affected by the Site and addressed by your cleanup:

- 231905924070
- 231905141250
- 231905110150
- 231905141200

**Enclosure A** includes a legal description of the Property. The location of the Property within the Site is illustrated in **Enclosure B**.

#### **2. Description of the Site.**

The Site is defined by the nature and extent of contamination associated with the following release / releases:

- Arsenic into the Ground Water.
- Total Petroleum Hydrocarbons into the Soil.
- Mercury into the Soil.
- Carcinogenic Polycyclic Aromatic Hydrocarbons in Soil.

Those releases have affected more than one parcel of real property, including the parcels identified above.

**Enclosure B** includes a detailed description and diagram of the Site, as currently known to Ecology.

#### **3. Identification of Other Sites that may affect the Property.**

Please note that a parcel of real property can be affected by multiple sites. At this time, we have no information that this Property is affected by other sites.

### **Basis for the Opinion**

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

1. DOCUMENT #1 (GeoEngineers, Remedial Action Report, April 24, 2015).
2. DOCUMENT #2 (Maul Foster Alongi, Site Characterization Report, March 20, 2013).

These 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**

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#### **1. Cleanup of the Property located within the Site.**

Ecology has concluded that **no further action** is necessary at the Property to clean up contamination associated with the Site. That conclusion is based on the following analysis:

##### **a. Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards for the Site and select a cleanup for the Property. The Site is described above and in **Enclosure B**.

The Site is primarily identified by arsenic contamination in groundwater. This likely results from reducing conditions created by wood waste buried throughout the Site. Areas of mercury, Naphthalene, petroleum hydrocarbon contamination, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) were also identified during Site characterization, but they were located within the bounds of the arsenic-containing groundwater plume. As a result, the extent of the arsenic groundwater plume is appropriate to define the extent of the Site.

It was determined that groundwater samples collected at the Site had sufficient coverage and appropriate analysis to identify the scope of contamination at the Site. The footprint of the wood waste area and the resulting downgradient area of reducing conditions that have caused mobilization of arsenic define the overall extent of the Site.

Soil contamination was characterized by a series of test pits and borings across the Site. Given the large area of these parcels (22.8 acres), and the limited number of sample locations, areas of soil impacted by petroleum hydrocarbons, mercury and cPAHs may remain. Unless additional soil characterization is done at the Site, land use controls are necessary to prevent exposure to remaining pockets of soil contamination.

**b. Establishment of cleanup standards for the Site.**

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

**i. A combination of MTCA Method A and Site-Specific Method B Soil Cleanup Levels** were selected. The cleanup levels were selected to be protective of groundwater.

- Total Petroleum Hydrocarbons (Method B)      3,400 mg/kg
- cPAHs (toxic equivalency factor)              0.1 mg/kg
- Mercury                                                      2 mg/kg

**ii. MTCA Method A Groundwater Cleanup Levels** were selected. The cleanup levels are based on drinking water beneficial uses.

- Arsenic                                                      5 ug/L

**ii. Points of compliance.**

A standard point of compliance (POC) was selected for both soil and groundwater.

- Soil: For soil cleanup levels based on direct contact, the POC is defined as throughout the Site from the ground surface to 15 feet below the ground surface.
- Groundwater: The standard POC is defined as throughout the Site from the uppermost level of the saturated zone extending vertically to the lowest most depth that could potentially be affected by the Site.

**c. Selection of cleanup for the Property.**

Ecology has determined the cleanup you selected for the Property meets the substantive requirements of MTCA. The cleanup meets the minimum cleanup requirements and does not exacerbate conditions or preclude reasonable cleanup alternatives elsewhere at the Site.

Remedial Excavation was selected as the primary cleanup method for the Site. Two objectives were identified during excavation activities, including: excavate the majority of the wood waste from the Site, and excavate hotspots of petroleum hydrocarbons or other contamination identified during Site characterization. Confirmation samples were collected during excavation, and additional contaminated soil was removed until confirmation samples did not detect the presence of residual contamination.

**d. Cleanup of the Property.**

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

**2. Cleanup of the Site as a whole.**

Ecology has concluded that **further action** under MTCA is still necessary elsewhere at the Site. In other words, while your cleanup constitutes the final action for the Property, it constitutes only an **“interim action”** for the Site as a whole.

**Post-Cleanup Controls and Monitoring**

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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 control is necessary at the Property:

- Environmental Covenant 2466693.

To implement those controls, an Environmental Covenant has been recorded on the following parcels of real property at the Site:

- 231905924070
- 231905141250
- 231905110150
- 231905141200

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

### **Periodic Review of Post-Cleanup Conditions**

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Ecology will conduct periodic reviews of post-cleanup conditions at the Property to ensure that they remain protective of human health and the environment. If we conduct a periodic review and determine that the conditions of the environmental covenant are not being followed, or that further remedial action is necessary at the Property, then we will withdraw this opinion.

### **Listing of the Site**

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Based on this opinion, Ecology will update the status of remedial action at the Site on our database of hazardous waste sites. However, because further action is still necessary elsewhere at the Site, we will not remove the Site from our lists of hazardous waste sites. Furthermore, the Property will remain listed as part of the Site because the cleanup of the Property does not change the boundaries of the Site.

### **Limitations of the Opinion**

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#### **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**:

- Change the boundaries of the Site.
- 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 performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

Patrick Jones  
Port of Chelan County  
October 19, 2017  
Page 7

**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).

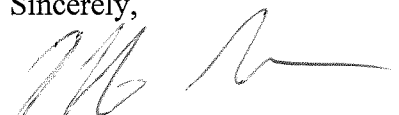
**Contact Information**

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Thank you for cleaning up your Property under the Voluntary Cleanup Program (VCP). We look forward to working with you to clean up the remainder of the Site.

For more information about the VCP and the cleanup process, please visit our web site: [www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm](http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm). If you have any questions about this opinion, please contact me at (509) 454-7842.

Sincerely,



Jeff Newschwander  
Site Manager  
CRO Toxics Cleanup Program

Enclosures (3):   A – Legal Description of the Property  
                          B – Description and Diagram of the Site  
                          C – Environmental Covenant for Institutional Controls

cc:   Justin Clary PE, Maul Foster and Alongi, Inc.  
      Matthew Alexander, VCP Financial Manager

## Enclosure A

### LEGAL DESCRIPTIONS

#### **Parcel #231905141200**

A parcel of land located in Northeast quarter of Section 5, Township 23 North, Range 19 East W.M. more particularly described as follows:

Beginning center of said Section 5, a 3 inch aluminum cap in monument case, thence North  $02^{\circ}35'13''$  West along the center section line a distance of 1377.68 feet to a rebar in a monument case located on the North-South center of section line; thence South  $88^{\circ}11'08''$  East a distance of 658.53 feet to the Southwest corner of Lot 13, Willowdale Addition to Cashmere, Chelan County, Washington according to the plat thereof recorded in Volume 3 of Plats, Page 53; thence continuing South  $88^{\circ}11'08''$  East a distance of 608.31 feet to a point on the Southerly right of way of Mill Road; thence along said right of way, South  $68^{\circ}55'10''$  East a distance of 58.21 feet; thence continuing along said right of way, South  $89^{\circ}40'49''$  East 245.48 feet to the True Point of Beginning;

thence continuing along said right of way, South  $89^{\circ}40'49''$  East for a distance of 266.91 feet;

thence leaving said right of way, South  $11^{\circ}17'11.211''$  West for a distance of 110.39 feet;

thence North  $81^{\circ}26'47''$  West for a distance of 46.52 feet;

thence South  $08^{\circ}55'02''$  West for a distance of 96.39 feet;

thence North  $81^{\circ}03'57''$  West for a distance of 9.03 feet;

thence South  $06^{\circ}47'43''$  West for a distance of 90.68 feet;

thence South  $49^{\circ}40'00''$  West for a distance of 221.28 feet;

thence North  $19^{\circ}53'43''$  West for a distance of 135.42 feet;

thence 104.04 feet along a non-tangent curve to the left, having a radius of 100.00 feet, a central angle of  $59^{\circ}36'33.84''$  with a chord bearing of North  $29^{\circ}55'36''$  East for a chord distance of 99.41 feet;

thence North  $00^{\circ}07'19''$  East for a distance of 216.42 feet to the True Point of Beginning.

#### **Parcel #231905110150**

A parcel of land located in Northeast quarter of Section 5, Township 23 North, Range 19 East W.M. more particularly described as follows:

Beginning center of said Section 5, a 3 inch aluminum cap in monument case, thence North  $02^{\circ}35'13''$  West along the center section line a distance of 1377.68 feet to a rebar in a monument case located on the North-South center of section line; thence South  $88^{\circ}11'08''$  East a distance of 658.53 feet to the Southwest corner of Lot 13, Willowdale Addition to Cashmere, Chelan County, Washington according to the plat thereof recorded in Volume 3 of Plats, Page 53; thence continuing South  $88^{\circ}11'08''$  East a distance of 608.31 feet to a point on the Southerly right of way of Mill Road to the True Point of Beginning;

thence continuing along said right of way, South  $68^{\circ}55'10''$  East for a distance of 58.21 feet;

thence continuing along said right of way, South  $89^{\circ}40'49''$  East for a distance of 245.48 feet;

thence leaving said right of way, South  $00^{\circ}07'19''$  West for a distance of 216.42 feet;

thence, 104.04 feet along a tangent curve to the right with a radius of 100.00 feet, a central angle of  $59^{\circ}36'33.84''$ , a chord bearing of South  $29^{\circ}55'36''$  West for a chord distance of 99.41 feet;



thence South 19°53'43" East for a distance of 135.42 feet;  
thence South 34°21'29" West for a distance of 112.52 feet;  
thence South 30°36'35" West for a distance of 144.97 feet;  
thence South 39°10'25" West for a distance of 69.91 feet;  
thence North 72°43'24" West for a distance of 141.82 feet;  
thence North 00°34'35" East for a distance of 687.45 feet;  
thence South 68°55'10" East for a distance of 15.81 feet to the True Point of Beginning.

**Parcel #231905141250**

A parcel of land located in Northeast quarter of Section 5, Township 23 North, Range 19 East W.M. more particularly described as follows:

Beginning center of said Section 5, a 3 inch aluminum cap in monument case, thence North 02°35'13" West along the center section line a distance of 1377.68 feet to a rebar in a monument case located on the North-South center of section line; thence South 88°11'08" East a distance of 658.53 feet to the Southwest corner of Lot 13, Willowdale Addition to Cashmere, Chelan County, Washington according to the plat thereof recorded in Volume 3 of Plats, Page 53; thence continuing South 88°11'08" East a distance of 608.31 feet to a point on the Southerly right of way of Mill Road; thence along said right of way, North 68°55'10" West for a distance of 15.81 feet to the True Point of Beginning;  
thence along said right of way, North 68°55'10" West for a distance of 65.62 feet;  
thence North 48°49'36" West for a distance of 92.30 feet;  
thence North 31°39'28" West for a distance of 140.82 feet;  
thence leaving said right of way, South 01°08'16" East for a distance of 336.79 feet;  
thence South 30°25'15" West for a distance of 346.34 feet;  
thence South 41°38'7" East for a distance of 122.55 feet;  
thence South 28°35'00" East for a distance of 43.16 feet;  
thence South 52°07'38" East for a distance of 77.57 feet;  
thence South 53°36'52" East for a distance of 95.34 feet;  
thence South 58°32'27" East for a distance of 64.18 feet;  
thence North 81°20'42" East for a distance of 72.40 feet;  
thence North 00°34'35" East for a distance of 687.45 feet to the True Point of Beginning.

**Parcel #2319 05130 200**

A parcel of land located in Northeast quarter of Section 5, Township 23 North, Range 19 East W.M. more particularly described as follows:

Beginning center of said Section 5, a 3 inch aluminum cap in monument case, thence North 02°35'13" West along the center section line a distance of 1377.68 feet to a rebar in a monument case located on the North-South center of section line; thence South 88°11'08" East a distance of 658.53 feet to the Southwest corner of Lot 13, Willowdale Addition to Cashmere, Chelan County, Washington according to the plat thereof recorded in Volume 3 of Plats, Page 53 and the True Point of Beginning;  
thence North 05°55'35" West for a distance of 219.75 feet;  
thence North 84°08'11" East for a distance of 86.03 feet;  
thence South 02°22'49" West for a distance of 138.43 feet;  
thence South 00°17'35" East for a distance of 59.26 feet;

thence South 28°36'23" East for a distance of 47.96 feet;  
thence South 06°19'42" West for a distance of 66.93 feet;  
thence South 02°59'54" West for a distance of 108.21 feet;  
thence South 12°16'11" East for a distance of 76.96 feet;  
thence South 23°25'42" East for a distance of 88.02 feet;  
thence South 27°30'40" East for a distance of 52.13 feet;  
thence South 59°52'44" East for a distance of 90.16 feet;  
thence South 41°38'17" East for a distance of 122.55 feet;  
thence South 28°35'00" East for a distance of 43.16 feet;  
thence South 52°07'38" East for a distance of 77.57 feet;  
thence South 53°36'52" East for a distance of 95.34 feet;  
thence South 58°32'27" East for a distance of 64.18 feet;  
thence North 81°20'42" East for a distance of 72.40 feet;  
thence South 72°43'24" East for a distance of 141.82 feet;  
thence North 39°10'25" East for a distance of 69.91 feet;  
thence North 30°36'35" East for a distance of 144.97 feet;  
thence North 34°21'29" East for a distance of 112.52 feet;  
thence North 49°40'00" East for a distance of 221.28 feet;  
thence South 06°47'43" West for a distance of 150.46 feet;  
thence North 77°01'49" West for a distance of 6.36 feet;  
thence South 70°35'46" West for a distance of 16.46 feet;  
thence South 48°15'03" West for a distance of 83.43 feet;  
thence South 36°04'35" West for a distance of 31.37 feet;  
thence South 18°23'44" West for a distance of 40.76 feet;  
thence South 47°11'11" West for a distance of 56.69 feet;  
thence South 29°56'24" West for a distance of 9.54 feet;  
thence South 15°55'39" East for a distance of 18.45 feet;  
thence South 38°10'59" West for a distance of 23.89 feet;  
thence South 22°14'25" West for a distance of 17.41 feet;  
thence South 29°22'11" West for a distance of 21.61 feet;  
thence North 89°28'27" East for a distance of 148.13 feet;  
thence North 89°28'27" East for a distance of 121.61 feet;  
thence South 00°21'01" East for a distance of 219.65 feet;  
thence South 89°39'04" West for a distance of 507.11 feet;  
thence North 60°37'26" West for a distance of 345.85 feet;  
thence North 44°36'19" West for a distance of 352.29 feet;  
thence North 40°10'43" West for a distance of 270.69 feet;  
thence North 51°34'25" West for a distance of 3.39 feet;  
thence North 17°36'18" West for a distance of 301.64 feet;  
thence South 89°01'26" East for a distance of 188.56 feet;  
thence North 05°55'35" West for a distance of 15.57 feet to the True Point of Beginning.

**Parcel #231905924070**

A parcel of land located in Northeast quarter of Section 5, Township 23 North, Range 19 East W.M. more particularly described as follows:

Beginning center of said Section 5, a 3 inch aluminum cap in monument case, thence North  $02^{\circ}35'13''$  West along the center section line a distance of 1377.68 feet to a rebar in a monument case located on the North-South center of section line ; thence South  $88^{\circ}11'08''$  East a distance of 658.53 feet to the Southwest corner of Lot 13, Willowdale Addition to Cashmere, Chelan County, Washington according to the plat thereof recorded in Volume3 of Plats, Page 53 and the True Point of Beginning;

thence North  $05^{\circ}55'35''$  West for a distance of 219.75 feet; thence North  $84^{\circ}08'11''$  East for a distance of 86.03 feet to the True Point of Beginning;

thence North  $84^{\circ}08'11''$  East for a distance of 293.40 feet;

thence South  $31^{\circ}39'28''$  East for a distance of 66.13 feet;

thence South  $01^{\circ}08'16''$  East for a distance of 336.79 feet;

thence South  $30^{\circ}25'15''$  West for a distance of 346.34 feet;

thence North  $59^{\circ}52'44''$  West for a distance of 90.16 feet;

thence North  $27^{\circ}30'40''$  West for a distance of 52.13 feet;

thence North  $23^{\circ}25'42''$  West for a distance of 88.02 feet;

thence North  $12^{\circ}16'11''$  West for a distance of 76.96 feet;

thence North  $02^{\circ}59'54''$  East for a distance of 108.21 feet;

thence North  $06^{\circ}19'42''$  East for a distance of 66.93 feet;

thence North  $28^{\circ}36'23''$  West for a distance of 47.96 feet;

thence North  $00^{\circ}17'35''$  West for a distance of 59.26 feet;

thence North  $02^{\circ}22'49''$  East for a distance of 138.43 feet to the True Point of Beginning.



# Enclosure B

## PROPERTY MAP

### Cashmere Mill Site Property Specific NFA

