



FILE COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 7, 2005

**CERTIFIED MAIL**

7003 2260 0006 9878 3339

Mr. Brian Nelson  
PO Box 75  
Wenatchee, WA 98807

Dear Mr. Nelson:

RE: Early Notice Letter Regarding the Release of Hazardous Substances on property located at 290 Penny Road, Wenatchee, Washington, ERTS #C542626

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation.

An Initial Investigation (II) was conducted by the Chelan-Douglas Health District (CDHD). The II involved a CDHD review of a Tetra Tech April 29, 2004 Limited Phase II Soil Sampling Report and a CDHD site visit on August 6, 2004. The Tetra Tech report shows arsenic and lead above the Model Toxic Control Act (MTCA) cleanup levels. Specifically, arsenic was found in five of six samples (to 95 mg/kg) above the MTCA cleanup level of 20 mg/kg. Lead was found in two of the five samples (to 710 mg/kg) above the MTCA cleanup level of 250 mg/kg. DDT and DDE were also found in the five samples, though not above the MTCA cleanup levels.

Under the MTCA, Ecology maintains a listing of known or suspected contaminated sites. It is Ecology's decision that the above-referenced property will be added to this information system. Ecology has also determined that a Site Hazard Assessment described in Washington Administrative Code (WAC) 173-340-320 will be required at this site. It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. Ecology prefers to achieve site cleanup cooperatively through independent cleanup actions (WAC 173-340-510). Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be adhered to. In particular, WAC 173-340-300(4) which requires a report of independent actions. To the extent known, the report shall include: The identification and location of the hazardous substance; circumstances of the release; the discovery and remedial actions planned, completed, or underway. More requirements of independent cleanup actions are



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discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed. In the future, Ecology may still need to conduct a more detailed inspection of this property, including testing for possible contamination. At that time we may assess the need for further action.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

If you have any questions regarding this letter or the requirements under the Model Toxics Control Act, please call me. My phone number is (509) 454-7839.

Sincerely,



Richard Bassett  
Site Manager/Initial Investigations  
Toxics Cleanup Program

Enc: Chapter 173-340 WAC  
Chapter 70.105D RCW

cc: Suzen Hyde, CDHD  
Frosti Smith, TCP-CRO  
Michael Spencer, TCP-HQ